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Cc: [Clarke, Victoria](#); [Griffo, Shannon](#); [Keith, Jennie](#)
Subject: Initial Ethics Training (alas, it's mandatory)
Attachments: [Ethics Briefing Packet for Political Appointees.pdf](#)
[Biden Ethics Pledge for digital signature.pdf](#)

Welcome to EPA and your initial ethics training! By regulation, this session is one hour long, so please be present for the entire time. Attached is the briefing material that I'll reference together with the Biden ethics pledge that you must sign and return to ethics@epa.gov <<mailto:ethics@epa.gov>>. All of you are required to file a public financial disclosure report and, before this session, you'll be notified by email of that assignment.

Looking forward to seeing you virtually soon!

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Ethics Briefing

1. The Ethics Program at the Environmental Protection Agency

You have ethics officials in the Office of General Counsel who can assist you:

Jim Payne Designated Agency Ethics Official (202) 564-0212 payne.james@epa.gov	
Justina Fugh Alternate Agency Ethics Official and Director of Ethics Office (202) 564-1786 fugh.justina@epa.gov	
Shannon Griffo Ethics Attorney (202) 564-7061 griffo.shannon@epa.gov	Margaret Ross Ethics Officer (202) 564-3221 ross.margaret@epa.gov
Jennie Keith Ethics Officer (202) 564-3412 keith.jennie@epa.gov	Victoria Clarke Ethics Attorney 202-564-1149 clarke.victoria@epa.gov
Ferne Mosley Ethics Attorney (202) 564-8046 mosley.ferne@epa.gov	OGC/Ethics All Staff and Helpline (202) 564-2200 ethics@epa.gov

You can also visit the [OGC/Ethics SharePoint site](#) for more information.

2. The General Principles of Ethical Conduct

As public servants, we have a duty to ensure that every citizen has complete confidence in the integrity of the United States and that we are not putting personal or private interests ahead of the public trust. There are 14 principles that form your [basic obligation of public service](#) that we'll address in this briefing material.

3. The President's Executive Order (for political appointees only)

On January 20, 2021, President Biden issued an Executive Order that includes an ethics pledge you must sign as a condition of your appointment. You are agreeing to a broader "ethics in government" plan to restore and maintain public trust in government, so please review the preamble carefully. The significant points of the pledge itself are described below:

If you were a federally registered lobbyist or registered foreign agent in the past 2 years:

- For the next 2 years, do not participate in any particular matter on which you lobbied or were registrable for under the Foreign Agents Registration Act within the previous 2 years and do not participate in the specific issue area in which that particular matter falls.
- Do not seek or accept employment with any government agency that you lobbied or engaged in registrable activity under FARA within the past 2 years.

While you are a federally employee:

- Do not accept any gifts from a registered lobbyist, including attendance at a widely attended gathering. There are a few exceptions (e.g., preexisting personal relationship, discount or benefit available to all government employees) but check with an ethics official for guidance.
- For 2 years from the date of your appointment, do not participate in any particular matter involving specific parties that is directly and substantially related to your former employer or former clients, including regulations and contracts.
 - Note: The definition of *former employer* excludes the federal government, state or local governments, D.C., Native American tribes, U.S. territories or possessions, or any international organization in which the U.S. is a member state. But under the federal impartiality rules, you will still have a one-year cooling off period with those entities (except if your former employer was already the US government).
- Any hiring or other employment decisions that you make will be based on the candidate's qualifications, competence and experience.
- Do not accept any salary or cash payment or any other non-cash benefit from a former employer for entering into government service.

When you leave federal service, you are agreeing to the following:

- If you are a "senior employee" subject to the one-year cooling off period under 18 U.S.C. § 207(c), your cooling off period will be extended by another year, for a total of two years.
- If you are a "senior employee" subject to either 18 U.S.C. § 207(c) or (d), for one year following your departure from federal service, you will not work behind the scenes to materially assist others in making communications or appearances to the United States Government that you would otherwise be unable to make under the post-employment restrictions.
- You will not lobby any covered executive branch official or non-career SES appointee for the remainder of this Administration or for 2 years following the end of your appointment, whichever is later.
- You will not engage in any activity on behalf of a foreign government or foreign political party

that would require you to register under the Foreign Agents Registration Act for the remainder of this Administrator or 2 years following the end of your appointment, whichever is later.

A copy of the Executive Order and the Biden Ethics Pledge that you must sign are included in this packet of materials.

4. Financial Disclosure Reporting

In your position, you are required to complete a public financial disclosure report as you begin the federal service and every year thereafter. You will file this report in INTEGRITY, an electronic system managed by the Office of Government Ethics. When you leave EPA, you will be required to submit a termination financial disclosure report. In addition, you are required to have one hour of ethics training as a new entrant (PAS appointees have an additional requirement for a specialized one-on-one ethics briefing), and also required to have one hour of ethics training each year. The Ethics Office in the Office of General Counsel (OGC/Ethics) provides your training either in person or virtually.

You must report any transaction of securities (stocks or bonds) over \$1000 on a periodic basis in INTEGRITY using the 278T. These periodic transactions must be reported the earlier of 30 days after learning of the transaction or 45 days after the transaction takes place. Failure to file timely results in late fees that are assessed as a matter of law.

In addition, you are required to notify OGC/Ethics within three days of beginning to negotiate for employment with any non-federal entity. To do so, use our Notification of Negotiation form.

Included in this packet of materials are reminders about the types of transactions that are to be reported periodically and not being tardy in filing any reports with OGC/Ethics.

5. Attorney Client Privilege & FOIA

By regulation, disclosure by an employee to an ethics official is not protected by the attorney-client privilege. 5 C.F.R. § 2635.107(b). This means that if our records (or yours) are requested under the Freedom of Information Act (FOIA), then we will not be able to redact our advice to you using the attorney-client privilege. However, we can -- and do -- assert personal privacy and deliberative process privileges where applicable. For example, the deliberative process privilege may apply to pre-decisional ethics advice documents, but please note that our final advice to you is generally releasable.

This should **not** stop you from seeking the advice of your ethics officials! Not only does it show you are being a steward of the public trust, but good faith reliance on advice received from your ethics officials after disclosing all relevant facts can shield you from disciplinary action and is a factor that the Department of Justice considers when deciding which cases they wish to prosecute.

6. Conflicts of Interest

Do not participate as an agency official in any matter if there is an actual conflict of interest or even the appearance of a conflict of interest. It's a crime to participate *personally and substantially* in *any particular matter* in which, to your knowledge, you or a person whose interests are imputed to you has a financial interest if the particular matter will have a *direct and predictable effect* on that interest.

Example: you own a lot of stock in XYZ Corporation, which is a chemical manufacturer. If your office is considering taking an enforcement action against XYZ Corporation, you must disqualify yourself from participating in the decision. Even if your mother gave your 10-year old twins the stock, you can't participate in the matter because their interest is imputed to you.

Remember, the interests of your spouse, dependent children, general business partner, and any organization in which you serve as officer, director, trustee or employee are imputed to you. This means that, under the criminal statute, it's the same thing as if you held those assets. So, you can't participate in any particular matter that may have a financial impact on the interests that are imputed to you.

7. Appearance of a Loss of Impartiality

Even if an action is not strictly prohibited, it is prudent to be careful of any action that a reasonable person with knowledge of the relevant facts may perceive as a violation of the ethics rules, or (if applicable) your ethics pledge and the Executive Order. You must avoid even the appearance of a loss of impartiality when performing official duties.

When we consider impartiality, we expand the ambit of relationships beyond the conflicts realm of "imputed interests." We consider all of your "covered relationships," which includes a lot more people: anybody with whom you have a business, contractual or financial relationship that is more than just a routine consumer transaction; any member of your household or a relative with whom you are close; the employer/partner or prospective employer/partner of your spouse, parent or dependent child; any person or organization for which you have served in the last year as an officer, agent, employee, etc.; and any organization in which you are an active participant.

You should refrain from engaging in official acts that may be perceived as an "appearance problem" by a reasonable person (and the reasonable person is not you, but rather your ethics officials).

Ethics officials can provide advice and determine whether a proposed course of action is appropriate by issuing an impartiality determination, but we cannot provide cover if you have already done the deed.

8. No representation back to the federal government

As a federal employee, you are prohibited from representing the interest of any other entity back to the federal government, whether you are paid for those services or not. For the purposes of these criminal statutes, 18 U.S.C. §§ 203 and 205, it does not matter that you are representing the interests of another in your private capacity. You cannot serve as agent or attorney for another entity back to the United States on a particular matter in which the US is a party or has a direct and substantial interest.

9. Acceptance of Gifts

Be careful of any gift from people outside the Agency, particularly those that are worth more than \$20. Gifts are anything of value and include allowing others to pick up the lunch tab, free tickets, invitations to receptions, and lovely fruit baskets. There are only a few exceptions, so consult your ethics officials before accepting any gift. Remember, political appointees can't take gifts from federally registered lobbyists.

EPA does not have broad Agency gift authority, so prohibited gifts must be paid for or returned. You should also not generally accept gifts exceeding \$10 from EPA employees, nor give gifts exceeding \$10 to your superiors. There are some exceptions, so check with an ethics official. By the way, you may give gifts to any EPA person who makes less money than you provided that person is not your supervisor.

10. Attendance at Widely-Attended Gatherings (ethics check required)

Your ethics official must make a written determination in advance as to whether your participation and attendance at certain events meet the criteria for a "widely attended gathering" exception of the gift rule. You can't make that determination yourself (nor can the sponsor of the event). For a WAG determination, your ethics official will consider the type of event, who is attending, and whether your attendance will further an Agency interest. This analysis must be done in writing and in advance of your attending the event. Any WAG that is approved is considered a gift to you, so you will be responsible for reporting the value of the gift on your financial disclosure report if it exceeds the reporting threshold. For political appointees, though, please bear in mind that this exception does not apply to federally registered lobbyists. Political appointees cannot accept free attendance at a widely attended gathering that is sponsored by or hosted by a federally registered lobbyist.

IMPORTANT NOTE about Embedding Ethics into Your Calendaring Process

Many ethics issues typically arise through the calendaring process of an EPA principal. Since you are responsible for your ethics obligations, we know you might need a little help. To assist you in navigating calendar and invitation issues, the EPA Ethics Office offers specialized assistance to you and your front office staff to advise on invitations, gifts associated with those invitations, etc. Embedding ethics is a proactive counseling practice that brings together the Principals, their staff, and local Deputy Ethics Officials to establish a process for incorporating ethics vetting into your or the Principal's calendar. Contact Jennie Keith to get started!

11. Travel Issues

Approval of gifts of travel, lodging and meals from non-Federal sources for meetings and similar events must be obtained from OGC/Ethics prior to the event. You can't accept such offerings on your own! We have an electronic form that we use to process such requests, and we must report the approvals to the Office of Government Ethics twice a year. See <http://intranet.epa.gov/ogc/ethics/travel.htm> . Prior to the pandemic, OGC/Ethics accepted over \$1 million each year in discretionary travel paid by non-federal sources.

12. Preferential Treatment of Non-Federal Entities (Endorsement)

Be careful about showing preferential treatment to any entity. We cannot endorse the products, services or enterprises of another, so you need to be careful about extolling the virtues of a regulated entity, a particular contractor or applicant, etc. Seek ethics advice before collaborating with non-federal entities on initiatives and events because not all of EPA's statutes allow us to cooperate with non-feds.

13. Political Activities

You are now bound by the Hatch Act, which governs the political activity of federal employees, even in your personal capacity. Career SES employees are bound by even more restrictions, while Presidentially Appointed and Senate Confirmed (PAS) employees enjoy more liberties. Do not rely on what you think other people can do; find out for yourself by asking your ethics officials.

Some limitations under the Hatch Act are 24/7, meaning that you have restrictions even on your time. For example, you are never permitted to solicit, accept or receive political contributions, not even in your personal time. You can never use your EPA title or position to fundraise in connection with any political activity. Because the Hatch Act rules vary depending on your type of appointment, please see the attached chart and consult your ethics officials.

14. Lobbying Issues

EPA employees cannot use appropriated funds to engage in indirect or grassroots lobbying regarding any legislative proposal. Indirect or grassroots lobbying generally means urging members of special interest groups or the general public to contact legislators to support or oppose a legislative proposal. EPA employees cannot make explicit statements to the public to contact members of Congress in support of or in opposition to a legislative proposal. Other prohibited grassroots lobbying includes an employee's explicit request, while on official time, to an outside group asking it to contact Congress to support or oppose EPA's appropriations bill.

In addition, EPA is prohibited from using appropriated funds for activities that would "tend to promote" the public to contact Congress in support of or in opposition to a legislative proposal, even if an EPA employee does not expressly state that the public should contact Congress. This activity is considered "indirect lobbying" and is prohibited. You may, after coordinating with OCIR and Public Affairs, directly contact or lobby members of Congress and their staffs regarding the Administration's legislative proposals. Again, after getting approval from OCIR, you may also educate and inform the public of the Administration's position on legislative proposals by delivering speeches and making public remarks explaining the Administration's position on a legislative proposal.

15. Use of Government Personnel and Resources

EPA policy permits employees to “limited use” of government equipment, including the telephone, copying machines, fax machines, etc. Employees cannot, however, engage in outside activity or employment on government time. GSA regulations also prohibit any fundraising on federal property (except for the Combined Federal Campaign), so employees cannot raise money for their favorite charity (i.e., sell cookies, candy or wrapping paper for a “good cause”). They also cannot use the internet connection for gambling or to access pornography. See EPA’s [Limited Personal Use of Government Equipment Policy](#). Avoid using your EPA email address for personal matters, and do not use your personal email address for EPA matters.

16. Outside Activities

We were advised by the Biden Presidential Transition Team that non-PAS political appointees may have outside positions that are consistent with federal ethics regulations, including the Agency’s ethics regulations. Non-Career SES and Schedule C appointees must seek prior approval from EPA Ethics for certain outside activity consistent with EPA’s Supplemental Ethics Regulations at [5 C.F.R. § 6401.103](#). Examples of activity that require prior approval are practicing a profession or teaching, speaking or writing on subjects related to EPA programs, policies or operations. While there is a *de minimis* use of government equipment, that never applies to any compensated outside activity.

Most EPA employees may not receive any compensation for teaching, speaking or writing (including consulting) that relates in significant part to your assigned EPA duties, duties to which you’ve been assigned in the previous year, or to any ongoing Agency program, policy or operation. But if you are a non-career SES employee, then your restriction is even broader: you may not receive compensation at all for any teaching, speaking or writing that relates to your official duties or even to EPA’s general subject matter area, industry, or economic sector primarily affected by EPA’s programs and operations. [5 C.F.R. § 2635.807\(a\)\(2\)\(i\)\(E\)\(3\)](#).

Non-Career SESers must also abide by these additional restrictions:

- You are subject to the outside earned income cap that is set each January. As of January 2021, that amount is \$29,595. See [5 C.F.R. § 2635.804\(b\)](#) and [5 C.F.R. § 2636.304](#). This amount changes each year;
- You cannot receive compensation for practicing a profession that involves a fiduciary relationship; affiliating with or being employed by a firm or other entity that provides professional services involving a fiduciary relationship; or teaching without prior approval. See note to [5 C.F.R. § 2635.804\(b\)](#) and [5 C.F.R. § 2636.305](#);
- You may be permitted to serve as an officer or member of the board of any association, corporation or other entity, but cannot be compensated for such service. [See 5 C.F.R. § 2636.306](#); and
- You may not receive compensation for any other teaching unless specifically authorized in advance by OGC/Ethics (specifically, the Designated or Alternate Designated Agency Ethics Official listed on the first page of this briefing material). [See 5 C.F.R. § 2636.307](#).

17. Ethics Obligations of Supervisors

If you are a supervisor, you must model ethical behavior for your staff. Set forth below are your additional ethics responsibilities, found at [5 C.F.R. § 2638.103](#):

Every supervisor in the executive branch has a heightened personal responsibility for advancing government ethics. It is imperative that supervisors serve as models of ethical behavior for subordinates. Supervisors have a responsibility to help ensure that subordinates are aware of their ethical obligations under the [Standards of Conduct](#) and that subordinates know how to contact [agency ethics officials](#). Supervisors are also responsible for working with agency ethics officials to help resolve conflicts of interest and enforce government ethics laws and regulations, including those requiring certain employees to file financial disclosure reports. In addition, supervisors are responsible, when requested, for assisting agency ethics officials in evaluating potential conflicts of interest and identifying positions subject to financial disclosure requirements.

Your staff may ask you ethics questions, but unless you are an ethics official, you are not authorized to answer those ethics questions. If you receive an ethics question, then contact your own local Deputy Ethics Official or notify OGC/Ethics at ethics@epa.gov.

18. Seeking Employment

It's always odd to talk about seeking employment when we are welcoming you to EPA, but be mindful of the fact that there are restrictions that will apply. You won't be able to participate in a particular matter involving a party with which you are seeking employment, and that obligation starts as soon as you directly or indirectly contact a prospective employer, or as soon as you get a response expressing interest in you. You will need to disqualify yourself from particular matters that may affect the prospective employer.

19. Negotiating for Employment

Should your pursuit of future employment advance to "negotiating" for employment with a particular entity, then you will have conflicts of interest. The financial interests of any person or entity with whom you are "negotiating" for employment are imputed to you for the purposes of the criminal conflict of interest statute, 18 U.S.C. § 208. You will need to recuse yourself from participating in any particular matter that will have a direct and predictable effect upon the interests of the prospective employer, either as a specific party or as a member of a class, which will include particular matters that apply generally to the prospective employer's industry or class.

Filers of the public financial disclosure report are further subject to the Ethics In Government Act, as amended by the STOCK Act, which requires you to notify OGC/Ethics within three days of commencing negotiations for future employment with a non-federal employer. Yes, we have a form for that notification.

20. Post-Government Employment - Representational Restrictions

Even after you leave federal service, there are federal post-employment restrictions. Your pledge restrictions are supplementary to these restrictions. Your ethics officials are still available to answer your post-employment questions, even after you leave EPA. You will need to have an exit discussion with OGC/Ethics before you leave EPA, but here are the highlights of what we'll discuss regarding the federal law. You will also be bound by the additional restrictions of the Biden Ethics Pledge adumbrated on pp. 2-3 of this briefing material.

Lifetime bar - on particular matters that you worked on

You will be prohibited by criminal statute from representing back to the federal government on any particular matter involving specific parties in which you participated personally and substantially while in federal service. "Representation back" means making an appearance or communication, on behalf of another, with the intent to influence an official action. And the matter must involve the United States or be one in which the US has an interest.

Example: You are asked by XYZ Corporation to contact EPA about seeking an exemption so that a particular permit you granted while in your position no longer applies to them. You cannot do that because you worked on that matter while at EPA. You are permanently barred from representing another back to the federal government on that same matter.

2-year bar - on EPA matters pending during your last year in federal service

You are prohibited (again, by criminal statute) from representing back to the federal government on any particular matter involving specific parties that was pending under your official responsibility during your last year of federal service. Even if you recuse yourself from a matter, you are still bound by the two-year bar. You are not permanently restricted, since you didn't work on the matter personally and substantially, but you are prohibited from representing another back to the federal government on that matter for two years.

Senior Employee "cooling off restriction" – on any matter

Depending on your rate of pay, you may be considered a "senior official" and will be restricted for one year from making any contact with EPA following your departure (under the federal ethics regulation). Political appointees have additional time restrictions under the Biden Ethics Pledge. This prohibition is not limited to particular matters. Rather, you cannot knowingly make any communication or appearance to EPA employees on behalf of another with the intent to influence in connection with any matter in which you seek official EPA action.

Effective January 3, 2021, the defining rate of pay for "senior officials" is [\\$172,395 per year](#) (excluding locality pay). If you make more than that (before locality pay), then you are a "senior employee" and will be bound by the cooling off period. By the way, SESers do not get locality pay so, most likely, any SESer will be a "senior employee" and subject to this restriction.

Welcome to EPA and thank you for keeping ethics in the forefront of all we do!



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

January 22, 2021

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Timely filing of Public Financial Disclosure and Periodic Transaction Reports

FROM: Justina Fugh **Justina Fugh** Digitally signed by Justina Fugh
Date: 2021.01.22 12:07:49
-05'00'
Alternate Designated Agency Ethics Official

TO: All EPA Political Appointees

In 1978, Congress enacted the Ethics In Government Act, 5 U.S.C. app. to establish the Executive Branch financial disclosure reporting system that requires mandatory public disclosure of financial and employment information of certain officials and their immediate families. Because you occupy a designated position, you are required by this law to file these reports in the electronic system, *INTEGRITY*. As an executive branch employee, you are bound by federal ethics laws and regulations, including prohibitions against financial conflicts of interest and loss of impartiality. Your disclosures allow the Office of General Counsel's Ethics Office (OGC/Ethics) to assist you in identifying and addressing potential or actual conflicts of interest in order to maintain the integrity of the Agency's programs and operations. These reports are publicly available upon request and the reports of certain Presidential Appointees confirmed by the Senate will be posted on the U.S. Office of Government Ethics' website at www.oge.gov.

This memorandum formally informs you that you are required by law to file timely and accurate Public Financial Disclosure Reports (OGE 278e)¹ and Periodic Transaction Reports (OGE 278-Ts).² **Filing a late report will result in a \$200 late filing fee** unless you formally request and receive a waiver of the late fee from me or the Designated Agency Ethics Official (DAEO), Jim Payne, after describing extraordinary circumstances that caused you to file a late report.³ **Unpaid late fees are subject to the Agency's⁴ and the government's debt collection procedures and will be referred for collection if left unpaid after 30 days.**

Please refer to this chart for your filing obligations:

¹ See 5 U.S.C. app. § 101; 5 C.F.R. § 2634.201.

² Pub. L. 112-105 § 11 (STOCK Act).

³ See 5 U.S.C. app. § 104(d)(1); 5 C.F.R. § 2634.704(a).

⁴ See Resource Management Directive System 2540-03-P2 dated 07/12/2016.

OGE 278e - New Entrant reports	Within 30 days of entering a covered position (either by appointment to a permanent or acting in covered position)
OGE 278e – Incumbent reports	No later than May 15
OGE 278e – Termination reports	No later than 30 days after leaving a covered position (either through reassignment, resignation, or the end of acting in a covered position) (Reports may be submitted within 15 days prior to termination)
OGE 278T – Periodic transaction reports ⁵	The <i>earlier of</i> 30 days after learning of a transaction or 45 days of the transaction taking place.

How to request an extension of the filing deadline:

For good cause (e.g., travel, workload issues, sickness), you may request up to two 45-day extensions. Submit the request by email, including the reason, to ethics@epa.gov **prior to the due date**. Extensions cannot be granted after the due date has passed.

How to request the waiver of a late filing fee:

If *extraordinary circumstances* prevented you from meeting the deadline and OGC/Ethics assessed a late fee, you may request a waiver of the late fee. See 5 C.F.R. § 2634.704. Submit your request in writing to ethics@epa.gov describing the extraordinary circumstances and provide any supporting documentation. Please note that vacations or routine work obligations are not “extraordinary” circumstances. The decision to grant or deny a waiver is at the sole discretion of the DAEO/ADAEO and is final.

Your colleagues in OGC/Ethics are available to provide assistance but it is always your obligation to file your reports timely and accurately. In fact, ethics regulations *require* that we refer individuals to the Department of Justice (DOJ) when there is reasonable cause to believe that they have willfully failed to file a required report or provide the information that the report requires. The current maximum civil penalty is \$56,216.⁶

As public servants, we hope that you will take your ethics obligations seriously. As such, we expect you to make a good faith effort to adhere to the timeliness and completeness requirements of your financial disclosure reporting obligations. If you have any questions, please contact ethics@epa.gov.

ATTACHMENT - *When to Report Transactions on the OGE 278 and OGE 278-T*

⁵ See attached guidance – *When to Report Transactions on the OGE 278 and OGE 278-T*.

⁶ In 2012, OGC/Ethics referred an individual to DOJ for failure to file a termination report despite repeated reminders and entreaties. That individual paid a civil penalty of \$15,000 and still had to file the termination report.

When to Report Transactions

DUE DATE: The earlier of the following: 30 Days from Notification or 45 Days from Transaction

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on Part 7 of the OGE 278e?
Transactions of \$1,000 or less		
• Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset	No	No
Your investment assets (or jointly held)		
• Your stocks	Yes	Yes
• Your bonds (except U.S. Treasury securities)	Yes	Yes
• Your commodity futures	Yes	Yes
• Your other investment securities	Yes	Yes
• Assets listed above in your (joint) brokerage accounts, (joint) managed accounts, IRAs, other retirement accounts, and/or other (joint) investment vehicles	Yes	Yes
Your spouse's investment assets		
• Spouse's stocks	Yes	Yes
• Spouse's bonds (except U.S. Treasury securities)	Yes	Yes
• Spouse's commodity futures	Yes	Yes
• Spouse's other investment securities	Yes	Yes
• Assets listed above in spouse's <u>own</u> brokerage account, managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Dependent child's stocks	Yes	Yes
• Dependent child's bonds (except U.S. Treasury securities)	Yes	Yes
• Dependent child's commodity futures	Yes	Yes
• Dependent child's other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes ¹
• Mutual funds, exchange traded funds, index funds and/or other "excepted investment funds" ²	No	Yes
• Any asset in which the transaction amount is \$1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals)	No	No
• Money market accounts	No	No
• Money market funds	No	No
• Certificates of deposits	No	No
• US Treasury Securities (e.g., T bills, Treasury bonds, U.S. savings bonds)	No	No
• Federal Government Retirement Accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust ³	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

¹ Do not report the purchase or sale of your personal residence on Part 7 unless you rent it out at any time during the reporting period.

² To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

Managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs) are not excepted investment funds in and of themselves. It may be that individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. But the fact that you have a managed account does not absolve you of your reporting requirements. That account is legally owned by you, and you're responsible for its assets and reporting transactions. If you have questions, contact ethics@epa.gov.

³ OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email ethics@epa.gov.

REQUIREMENT: Notify OGC/Ethics within 3 business days of commencing the negotiation or agreement for post-government employment or compensation

NOTIFICATION OF NEGOTIATION OR AGREEMENT

Your full name

Your telephone number*

Date negotiation or agreement began

Your Title / Office / AAship or Region

Your email address*

Name of non-federal entity that you are negotiating with or have an agreement for employment or compensation

** Provide information for OGC/Ethics to use to contact you as part of our official duty. For this purpose, you may provide a personal email address or cell number.*

RECUSAL STATEMENT

To assist in identifying your recusal obligations, check the appropriate boxes below:

- | | Yes | No | |
|----|--------------------------|--------------------------|---|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | EPA's programs, policies, or operations affect the non-federal entity with which I am seeking employment. |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | My office in EPA does work that affects the non-federal entity with which I am seeking employment. |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | The work I participate in affects or will affect the non-federal entity with which I am seeking employment. |

Need help answering these statements?
See page 2.

For as long as I am negotiating for, or have an agreement of, employment or compensation with the entity listed above, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of this entity, unless I first obtain from OGC/Ethics a written authorization or waiver consistent with 5 C.F.R. § 2635.605 or 18 U.S.C. § 208(b)(1). I understand that it is my responsibility to consult with OGC/Ethics if I have questions regarding my recusal obligations.

Sign and submit to ethics@epa.gov:

Your signature

OGC/Ethics Use Only:

Statement 1: EPA’s programs, policies, or operations affect the non-federal entity with which I am seeking employment.

If your answer is “yes” to any of the following questions, then you must answer “yes” to statement 1.

- Is the non-federal entity seeking official action from EPA (even if not your own office)?
- Does the non-federal entity do business or seek to do business with the EPA (even if not your own office)?
- Does the non-federal entity conduct activities that EPA regulates (even if not in your own office)?
- Does the non-federal entity have interests that may be substantially affected by the performance or non-performance of your official duties?
- Is the non-federal entity a membership organization in which the majority of the members are described in the preceding questions?

Statement 2: My office in EPA does work that affects the non-federal entity with which I am seeking employment.

To answer this question, think about the nexus between the work of your office and the non-federal entity. The closer the nexus, the more likely you will have to check “yes” to statement 2.

- Consider the particular matters your office works on and whether there is any connection to the work of this entity. Does your office work on permits, investigations, litigation, grants, licenses, contracts, applications, enforcement cases, or other similar types of matters where there is an identified non-federal entity (i.e., particular matters involving specific parties)?
- Also consider whether your office is involved in scientific programs, media programs, or other types of policies, procedures, guidance documents, regulations, etc., that would affect this particular industry or sector (i.e., particular matters of general applicability).

Statement 3: The work I participate in affects or will affect the non-federal entity with which I am seeking employment.

Think about the nexus between your work and the non-federal entity as well as its respective class, industry or sector. The closer the nexus between your work and the sector the non-federal entity belongs to, the more likely you will check have to check “yes” to statement 3.

- Will the work you do affect the sector? Don’t concentrate on whether your personal contributions will be determinative but rather, overall, how the outcome of the work itself will affect the sector and the non-federal entity with which you are negotiating.
- Do you advise on or consult with your colleagues’ projects and work? Does their work affect this sector or the non-federal entity?
- Do you actively supervise or assign work to subordinates? Do those assignments affect the sector or the non-federal entity?

Need help answering these statements? Contact ethics@epa.gov to discuss.

Political Activities and Federal Employees

The Hatch Act, enacted in 1939, was amended in 1993 and 2012. It regulates the political activities of executive branch employees, excluding the President and Vice President. The following table summarizes what political activities EPA employees can and cannot do based on their appointment. Note: Public Health Service officers must adhere to 45 CFR Part 73, Subpart F, which is most similar to the Career SES/ALJ column.

Political activity means an activity “directed toward the success or failure of a political party, a candidate for partisan political office, or a partisan political group.”

Type of Activity	PAS*	Non-Career SES, Schedule C*, Title 42, SL/ST, AD*, GS, Other	Career SES, ALJs
Personal (off premises and off duty)			
Express support for or opposition to a political candidate when off duty	Yes	Yes	Yes
Run as a partisan candidate for nomination or office in a partisan election	No	No	No
Solicit and accept contributions for your campaign in a non-partisan election	Yes	Yes	Yes
Solicit a contribution from a member of your union	N/A	Yes	N/A
Work a phone bank asking individuals to volunteer	Yes	Yes	No
Campaign on behalf of a candidate in a partisan election	Yes	Yes	No
Be active on behalf of a candidate at political rallies or meetings	Yes	Yes	No
Attend political rallies and meetings	Yes	Yes	Yes
Contribute money to political organizations	Yes	Yes	Yes
Work in non-partisan voter registration drives	Yes	Yes	Yes
Work in partisan voter registration drives	Yes	Yes	No
Register and vote	Yes	Yes	Yes
Sign a nominating petition	Yes	Yes	Yes
Distribute campaign material in a partisan election	Yes	Yes	No
Work as an election judge, poll watcher, clerical worker on election day and receive compensation for that work	Yes	Yes	Yes but nonpartisan only
Drive people to polling station on behalf of a campaign	Yes	Yes	No
Affecting Official Resources			
Use office time for political activity	Yes; IG-No	No	No
Use official space for political activity in general	Yes; IG-No	No	No
Fundraising			
Attend a political fundraiser	Yes	Yes	Yes
Solicit, accept or receive political contributions in general	No	No	No
Solicit or receive a political contribution on government premises	No	No	No
Plan or organize a political fundraiser when off duty	Yes	Yes	No
Sponsor, host, or allow your name as sponsor/host for a political fundraiser	No	No	No
Serve drinks or check coats at a political fundraiser	Yes	Yes	No
Speak at a partisan fundraiser without appealing for money	Yes	Yes	No
Allow only your name to be listed as speaker on fundraising invitation	Yes	Yes	No

*PAS = Political Appointee Confirmed by the Senate; Schedule C = political appointees not confirmed by Senate; AD = Administratively Determined; SES = Senior Executive Service

EPA Ethics Program

Counseling Practice Area:

Vetting Invitations

Quick Summary:

One of the more visible ways ethics issues arise are those that come up during the calendaring of events and invitations for an EPA principal and their immediate staff. The ethics issues run the whole gambit:

Recusal Obligations ♦ Gifts ♦ Fundraising ♦ Political Activity ♦ Endorsements
President's Ethics Pledge ♦ Misuse of Position

Embedding ethics is a proactive counseling practice that brings together the Principals, their immediate staff, and Deputy Ethics Officials to establish a process for incorporating ethics vetting into the Principal's calendar. This helps and supports the EPA principal to meet their ethics obligations and maintain integrity of agency programs and operations.

Who:

Principals (Administrator, Deputy Administrator, Assistant Administrators, and Regional Administrators, certain Deputy Associate Administrators), their immediate staff, and Deputy Ethics Officials.

What:

Preventing conflicts of interest and other ethics issues by embedding ethics review into the calendaring process for principals.

When:

Upon the appointee's start of EPA service

Where:

Through coordination in the principal's front office and immediate staff

Why:

Principals and other political appointees encounter frequent ethics issues arising through acceptance of external events, travel, and meetings with external participants. With increased public scrutiny and ethics legal frameworks, this is a high risk area in the ethics program. It is the principal's responsibility to avoid ethics issues and to maintain public trust in government.

How:

To navigate these ethics issues, we establish a process, use standard event information gathering forms, and train periodically, so a principal's front office can obtain all relevant information for an event and ethics officials can advise appropriately and timely prior to acceptance.

Executive Order on Ethics Commitments by Executive Branch Personnel

JANUARY 20, 2021 • [PRESIDENTIAL ACTIONS](#)

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and sections 3301 and 7301 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2021, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee:

“I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

“Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

“1. Lobbyist Gift Ban. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.

“2. Revolving Door Ban — All Appointees Entering Government. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.

“3. Revolving Door Ban — Lobbyists and Registered Agents Entering Government. If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 et seq., or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 et seq., within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:

(a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;

(b) participate in the specific issue area in which that particular matter falls; or

(c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.

“4. Revolving Door Ban — Appointees Leaving Government. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.

“5. Revolving Door Ban — Senior and Very Senior Appointees Leaving Government. If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections’ implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment,

I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.

“6. Revolving Door Ban — Appointees Leaving Government to Lobby. In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.

“7. Golden Parachute Ban. I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.

“8. Employment Qualification Commitment. I agree that any hiring or other employment decisions I make will be based on the candidate’s qualifications, competence, and experience.

“9. Assent to Enforcement. I acknowledge that the Executive Order entitled ‘Ethics Commitments by Executive Branch Personnel,’ issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.”

Sec. 2. Definitions. For purposes of this order and the pledge set forth in section 1 of this order:

(a) “Executive agency” shall include each “executive agency” as defined by section 105 of title 5, United States Code, and shall include the Executive Office of the President; provided, however, that “executive agency” shall include the United States Postal Service and Postal Regulatory Commission, but shall exclude the Government Accountability Office.

(b) “Appointee” shall include every full-time, non-career Presidential or Vice-Presidential appointee, non-career appointee in the Senior Executive Service (or other SES-type system), and appointee to a position that has been excepted from the competitive service by reason of being of a confidential or policymaking character (Schedule C and other positions excepted under comparable criteria) in an executive agency. It does not include any person appointed as a member of the Senior Foreign Service or solely as a uniformed service commissioned officer.

(c) “Gift”:

(i) shall have the definition set forth in section 2635.203(b) of title 5, Code of Federal Regulations;

(ii) shall include gifts that are solicited or accepted indirectly, as defined in section 2635.203(f) of title 5, Code of Federal Regulations; and

(iii) shall exclude those items excluded by sections 2635.204(b), (c), (e)(1) and (3), and (j) through (l) of title 5, Code of Federal Regulations.

(d) “Covered executive branch official” and “lobbyist” shall have the definitions set forth in section 1602 of title 2, United States Code.

(e) “Registered lobbyist or lobbying organization” shall mean a lobbyist or an organization filing a registration pursuant to section 1603(a) of title 2, United States Code, and in the case of an organization filing such a registration, “registered lobbyist” shall include each of the lobbyists identified therein.

(f) “Lobby” and “lobbied” shall mean to act or have acted as a registered lobbyist.

(g) “Lobbying activities” shall have the definition set forth in section 1602 of title 2, United States Code.

(h) “Materially assist” means to provide substantive assistance but does not include providing background or general education on a matter of law or policy based upon an individual’s subject matter expertise, nor any conduct or assistance permitted under section 207(j) of title 18, United States Code.

(i) “Particular matter” shall have the same meaning as set forth in section 207 of title 18, United States Code, and section 2635.402(b)(3) of title 5, Code of Federal Regulations.

(j) “Particular matter involving specific parties” shall have the same meaning as set forth in section 2641.201(h) of title 5, Code of Federal Regulations, except that it shall also include any meeting or other communication relating to the performance of one’s official duties with a former employer or former client, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties.

(k) “Former employer” is any person for whom the appointee has within the 2 years prior to the date of his or her appointment served as an employee, officer, director, trustee, or general partner, except that “former employer” does not include any executive agency or other entity of the Federal Government, State or local government, the District of Columbia, Native American tribe, any United States territory or possession, or any international organization in which the United States is a member state.

(l) “Former client” is any person for whom the appointee served personally as agent, attorney, or consultant within the 2 years prior to the date of his or her appointment, but excluding instances where the service provided was limited to speeches or similar appearances. It does not include

clients of the appointee's former employer to whom the appointee did not personally provide services.

(m) "Directly and substantially related to my former employer or former clients" shall mean matters in which the appointee's former employer or a former client is a party or represents a party.

(n) "Participate" means to participate personally and substantially.

(o) "Government official" means any employee of the executive branch.

(p) "Administration" means all terms of office of the incumbent President serving at the time of the appointment of an appointee covered by this order.

(q) "Pledge" means the ethics pledge set forth in section 1 of this order.

(r) "Senior White House staff" means any person appointed by the President to a position under sections 105(a)(2)(A) or (B) of title 3, United States Code, or by the Vice President to a position under sections 106(a)(1)(A) or (B) of title 3.

(s) All references to provisions of law and regulations shall refer to such provisions as are in effect on January 20, 2021.

Sec. 3. Waiver. (a) The Director of the Office of Management and Budget (OMB), in consultation with the Counsel to the President, may grant to any current or former appointee a written waiver of any restrictions contained in the pledge signed by such appointee if, and to the extent that, the Director of OMB certifies in writing:

(i) that the literal application of the restriction is inconsistent with the purposes of the restriction; or

(ii) that it is in the public interest to grant the waiver. Any such written waiver should reflect the basis for the waiver and, in the case of a waiver of the restrictions set forth in paragraphs 3(b) and (c) of the pledge, a discussion of the findings with respect to the factors set forth in subsection (b) of this section.

(b) A waiver shall take effect when the certification is signed by the Director of OMB and shall be made public within 10 days thereafter.

(c) The public interest shall include, but not be limited to, exigent circumstances relating to national security, the economy, public health, or the environment. In determining whether it is in the public interest to grant a waiver of the restrictions contained in paragraphs 3(b) and (c) of the pledge, the responsible official may consider the following factors:

(i) the government's need for the individual's services, including the existence of special circumstances related to national security, the economy, public health, or the environment;

(ii) the uniqueness of the individual's qualifications to meet the government's needs;

(iii) the scope and nature of the individual's prior lobbying activities, including whether such activities were de minimis or rendered on behalf of a nonprofit organization; and

(iv) the extent to which the purposes of the restriction may be satisfied through other limitations on the individual's services, such as those required by paragraph 3(a) of the pledge.

Sec. 4. Administration. (a) The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish such rules or procedures (conforming as nearly as practicable to the agency's general ethics rules and procedures, including those relating to designated agency ethics officers) as are necessary or appropriate to ensure:

(i) that every appointee in the agency signs the pledge upon assuming the appointed office or otherwise becoming an appointee;

(ii) that compliance with paragraph 3 of the pledge is addressed in a written ethics agreement with each appointee to whom it applies, which agreement shall also be approved by the Counsel to the President prior to the appointee commencing work;

(iii) that spousal employment issues and other conflicts not expressly addressed by the pledge are addressed in ethics agreements with appointees or, where no such agreements are required, through ethics counseling; and

(iv) that the agency generally complies with this order.

(b) With respect to the Executive Office of the President, the duties set forth in section 4(a) of this order shall be the responsibility of the Counsel to the President.

(c) The Director of the Office of Government Ethics shall:

(i) ensure that the pledge and a copy of this order are made available for use by agencies in fulfilling their duties under section 4(a) of this order;

(ii) in consultation with the Attorney General or the Counsel to the President, when appropriate, assist designated agency ethics officers in providing advice to current or former appointees regarding the application of the pledge; and

(iii) in consultation with the Attorney General and the Counsel to the President, adopt such rules or procedures as are necessary or appropriate:

(A) to carry out the foregoing responsibilities;

(B) to authorize limited exceptions to the lobbyist gift ban for circumstances that do not implicate the purposes of the ban;

(C) to make clear that no person shall have violated the lobbyist gift ban if the person properly disposes of a gift as provided by section 2635.206 of title 5, Code of Federal Regulations;

(D) to ensure that existing rules and procedures for Government employees engaged in negotiations for future employment with private businesses that are affected by the employees' official actions do not affect the integrity of the Government's programs and operations;

(E) to ensure, in consultation with the Director of the Office of Personnel Management, that the requirement set forth in paragraph 6 of the pledge is honored by every employee of the executive branch;

(iv) in consultation with the Director of OMB, report to the President on whether full compliance is being achieved with existing laws and regulations governing executive branch procurement lobbying disclosure. This report shall include recommendations on steps the executive branch can take to expand, to the fullest extent practicable, disclosure of both executive branch procurement lobbying and of lobbying for Presidential pardons. These recommendations shall include both immediate actions the executive branch can take and, if necessary, recommendations for legislation; and

(v) provide an annual public report on the administration of the pledge and this order.

(d) The Director of the Office of Government Ethics shall, in consultation with the Attorney General, the Counsel to the President, and the Director of the Office of Personnel Management, report to the President on steps the executive branch can take to expand to the fullest extent practicable the revolving door ban set forth in paragraph 5 of the pledge to all executive branch employees who are involved in the procurement process such that they may not for 2 years after leaving Government service lobby any Government official regarding a Government contract that was under their official responsibility in the last 2 years of their Government service. This report shall include both immediate actions the executive branch can take and, if necessary, recommendations for legislation.

(e) All pledges signed by appointees, and all waiver certifications with respect thereto, shall be filed with the head of the appointee's agency for permanent retention in the appointee's official personnel folder or equivalent folder.

Sec. 5. Enforcement. (a) The contractual, fiduciary, and ethical commitments in the pledge provided for herein are solely enforceable by the United States pursuant to this section by any legally available means, including debarment proceedings within any affected executive agency or judicial civil proceedings for declaratory, injunctive, or monetary relief.

(b) Any former appointee who is determined, after notice and hearing, by the duly designated authority within any agency, to have violated his or her pledge may be barred from lobbying any officer or employee of that agency for up to 5 years in addition to the time period covered by the pledge. The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish procedures to implement this subsection, which procedures shall include (but not be limited to) providing for fact-finding and investigation of possible violations of this order and for referrals to the Attorney General for consideration pursuant to subsection (c) of this order.

(c) The Attorney General is authorized:

(i) upon receiving information regarding the possible breach of any commitment in a signed pledge, to request any appropriate Federal investigative authority to conduct such investigations as may be appropriate; and

(ii) upon determining that there is a reasonable basis to believe that a breach of a commitment has occurred or will occur or continue, if not enjoined, to commence a civil action against the former employee in any United States District Court with jurisdiction to consider the matter.

(d) In any such civil action, the Attorney General is authorized to request any and all relief authorized by law, including but not limited to:

(i) such temporary restraining orders and preliminary and permanent injunctions as may be appropriate to restrain future, recurring, or continuing conduct by the former employee in breach of the commitments in the pledge he or she signed; and

(ii) establishment of a constructive trust for the benefit of the United States, requiring an accounting and payment to the United States Treasury of all money and other things of value received by, or payable to, the former employee arising out of any breach or attempted breach of the pledge signed by the former employee.

Sec. 6. General Provisions. (a) If any provision of this order or the application of such provision is held to be invalid, the remainder of this order and other dissimilar applications of such provision shall not be affected.

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

JOSEPH R. BIDEN JR.

THE WHITE HOUSE,

January 20, 2021.

ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
2. *Revolving Door Ban — All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
 - (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
 - (b) participate in the specific issue area in which that particular matter falls; or
 - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.
5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.
6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.
7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. *Assent to Enforcement.* I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

Signature _____

_____, 20____
Date

Name (Type or Print): _____

ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

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3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
 - (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
 - (b) participate in the specific issue area in which that particular matter falls; or
 - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.
5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.
6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.
7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. *Assent to Enforcement.* I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

Efron, Brent

Digitally signed by Efron, Brent

Date: 2021.02.04 15:50:11 -05'00'

Signature

Date

Name (Type or Print): _____

, 20

From: [Fugh, Justina](#)
To: [Chase, Joann](#); [Conger, Nicholas](#); [Diaz, Catherine](#); [Efron, Brent](#); [Frey, H](#); [Goldberg, Ruby](#); [Michalos, Maria](#); [O'Brien, Grant](#); [Nunez, Alejandra](#); [Kim, Eun](#); [Sabater, Juan](#); [Waterhouse, Carlton](#); [Engelman-Lado, Marianne](#)
Cc: [Sinceré Harris](#); [Mercado Violand, Fernando](#)
Subject: Hello from EPA Ethics!
Date: Monday, February 1, 2021 9:33:00 AM

Hi there,

My name is Justina Fugh, and I'm the director of EPA's Ethics Office. Welcome aboard! In your orientation materials, Patricia Moore asked you to contact me about your initial ethics training. My staff and I provide that training to you "in person" (now virtually) so you needn't click on the ethics training module link she gave you. Instead, you'll get virtual training with us on Thursday, February 4 from 12 noon to 1 pm. Because we've got a baker's dozen of you starting today, we'll offer two initial ethics training sessions simultaneously. With fewer people on each call, you'll have a greater opportunity ask questions. I'll randomly assign you to a session, and you'll get a Teams invitation from me later today.

In addition, each of you is required to file a public financial disclosure report electronically. I will assign you that report today, using your EPA email address. But I noticed that a couple of you may have emails that don't necessarily correspond to your preferred names so you might be looking to change your email address (don't ask me how to do that; I don't know!). If you are going to want to change your email address, then let me know. For now, we can set up your account using your personal email address and then ask to have the account merged with your EPA email once you've got that settled. That report is due 30 days from your start date, and you can be assessed a late filing fee, so this is one of those important things you just have to do.

Again, welcome to EPA and let me know if you have any specific questions before we connect on Thursday!

Happy Monday!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Fugh, Justina](#)
To: [Efron, Brent](#)
Cc: [Mosley, Ferne](#)
Subject: RE: Setting up a time to discuss a few questions about Financial Disclosure
Date: Saturday, February 6, 2021 2:54:00 PM

Hi Brent,

Ferne Mosley of Team Ethics is your point of contact for your financial disclosure report. Although she's been with EPA for just over a year, she has more than 20 years of experience in federal ethics, so you are getting the benefit of all of that wisdom!

Justina

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From: Efron, Brent <Efron.Brent@epa.gov>
Sent: Saturday, February 06, 2021 12:34 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: ethics <ethics@epa.gov>
Subject: Setting up a time to discuss a few questions about Financial Disclosure

Hey Justina,

Thank you so much for such an engaging and informative ethics briefing the other day. I wanted to discuss a few questions I have about the disclosure form. Would it be possible for me to meet briefly sometime this week with you or someone else in the office to discuss?

Thanks!

Brent Efron

He/Him/His

Special Assistant

EPA Office of Policy

(202) 815-8884

Efron.Brent@epa.gov

From: [Fugh, Justina](#)
To: [Kim, Eun](#); [O'Brien, Grant](#); [Diaz, Catherine](#); [Goldberg, Ruby](#); [Levy, Maxwell](#); [Efron, Brent](#)
Subject: Thanks for staying awake today!
Date: Thursday, February 4, 2021 3:48:00 PM
Attachments: [Ethics Briefing Packet for Political Appointees.pdf](#)
[Biden Ethics Pledge for digital signature.pdf](#)

Here is the briefing material, including that handy Hatch Act chart, and the Biden Ethics Pledge for you to sign, please.

If you have any questions, write to ethics@epa.gov or to me directly. We're happy to help!

justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Fugh, Justina](#)
To: [Diaz, Catherine](#); [Efron, Brent](#); [Engelman-Lado, Marianne](#); freyc.christopher@epa.gov; [Goldberg, Ruby](#); [Kim, Eun](#); [Levy, Maxwell](#); [Nunez, Alejandra](#); [O'Brien, Grant](#); [Sabater, Juan](#); [Waterhouse, Carlton](#); [Michalos, Maria](#); [Conger, Nicholas](#)
Subject: Welcome to the wonderful world of public financial disclosure reporting!
Date: Tuesday, February 2, 2021 7:58:00 PM
Attachments: [Advisory - 278 and 278T reporting obligations January 2021 digitally signed.pdf](#)
[reporting periods for 278s.docx](#)
[When to Report Transactions on the OGE 278 and Part 7 - November 2020.docx](#)

Hi there,

Welcome to EPA! My name is Justina Fugh, and I'm the director of the EPA Ethics Office. For your initial ethics training on Thursday, February 4 at noon, we'll go over your ethics obligations, which includes submitting the public financial disclosure report. Yes, in your position, you are required by the Ethics in Government Act of 1978 to file the Public Financial Disclosure Report. Using your EPA email address (or for Catie and Eunjung, your personal email addresses), I have now assigned you a new entrant report that my staff will review. Having this information will allow us to assess your conflicts issues and then to draft recusal statements for those of you who need them. Don't worry ... we're here to help you.

DEADLINE FOR SUBMITTING THE REPORT

Technically, your "new entrant" report is due no later than 30 days from your start date at EPA or 3/2/21. If you need additional time, you must contact ethics@epa.gov before your deadline expires. There is a limit to how much additional time we can give you, and we can't grant any extension after the fact.

THE FINANCIAL DISCLOSURE REPORT, OGE-278e

EPA uses an electronic filing system (www.INTEGRITY.gov) for the public financial disclosure reports that is operated and secured by the U.S. Office of Government Ethics (OGE). You are required by law to complete the form, and we will use it to determine whether you have any financial conflicts of interest or other ethics concerns. We have pre-populated the address field with EPA's address because, well, this is a public form and we don't want anyone to know your personal address. We have entered your filer category as Schedule C (even if that might change later) and your filer status as "full time." For help in INTEGRITY, check out the OGE [Public Financial Disclosure Guide](#). The email from INTEGRITY.gov will provide you with specific instructions to log into the federal government's max.gov site, the gateway to INTEGRITY. If you didn't receive your account notification, then check your clutter box for messages from INTEGRITY.gov, or contact ethics@epa.gov.

There are several important things to know about the OGE-278e: (1) it is a public form (which means that anyone can ask for a copy of your form, but Congress repealed the requirement for public posting to the internet); (2) you have to fill it out every year you are in this position; (3) when you leave the position, you will have to file a termination report; and (4) you will be subject to a late filing fee of \$200 for not filing your report timely.

REQUIREMENT TO ANSWER ANY FOLLOW UP QUESTIONS WITHIN 14 DAYS

We will review your report as quickly as possible. If we have any questions, then we will notify you. At that point, you will have 14 calendar days to respond and resubmit your report back to us with any necessary changes.

REPORTING TRANSACTIONS

While you are in this position, you are a public financial disclosure filer who is subject to certain additional requirements of the Ethics In Government Act as amended by the STOCK Act. You will be required to report any purchase, sale or exchange of stocks, bonds, commodities futures or other

forms of securities when the amount of the transaction exceeds \$1000. Use INTEGRITY to disclose reportable transactions within 30 days of receiving notification of the transaction, but not later than 45 days after the transaction occurs. You will have to report transactions that occur within brokerage accounts, managed accounts, or other investment vehicles that you own or jointly own with your spouse or another person, as well as transactions of your spouse or dependent children. We will go over this requirement during your initial ethics training, but I've also attached our reminder about late fees and when to report transactions. Remember, you are responsible for reporting transactions, even if you have a managed account, and you will be fined for a tardy periodic transaction report.

YES, YOU CAN BE FINED FOR NOT FILING PROMPTLY

It's worth repeating that you can be fined \$200 for not meeting the submission deadline (and you still have to file that report). PLEASE pay attention to your filing requirements! If you need an extension, then you must ask before your deadline expires. There is a limit to how much additional time you may receive.

HELPFUL HINTS FOR FILLING OUT THE FORM

- This is a wretched and exacting form, so just know that you will have to provide a lot of information.
- You will get three different places to report assets: filer's employment-related assets and income, spouse's employment related assets and income, and other assets and income. You must report assets for yourself, your spouse and any dependent children. We don't really care where you report your assets, just that you do report them all someplace.
- You must include any investment asset that is worth more than \$1000. Include any income from any source that exceeded \$200 during the reporting period (including outside jobs or hobbies, rental income). Include any cash/savings accounts that have more than \$5000.
- Enter each asset separately. Don't lump items together on one line. Be sure to provide the valuation of the asset AND the amount of the income. For assets that aren't mutual funds, you also have to report the type of income (e.g., dividends, cap gains).
- For 401(k) or IRA plans, provide the name of each of the underlying assets. Don't just write "Vanguard IRA" or "mutual fund." You must specify each asset separately and give the valuation but, for these assets in tax deferred instruments, you do not need to provide the amount of income accrued.
- Do not report your federal salary, your spouse's federal salary, or Thrift Savings Plan information
- If you (not your spouse) have any earned income (e.g., outside job, paid pension), you have to report the actual amount of that income.
- If your spouse works outside of federal service, then include your spouse's employer but not the amount of your spouse's salary. If you are not legally married, do not report your significant other's employer.
- Don't forget to include any life insurance policies (whole life or variable life) as well as the underlying investments. Do not report term life insurance.
- If you have nothing to report in a section, be sure to click the "nothing to report" button
- The various parts of the form have different reporting periods, so please consult the attached "reporting periods" chart. Remember to check out the Office of Government Ethics' [Public Financial Disclosure Guide](#) or to contact OGC/Ethics for help.

If you have any questions regarding this message or your obligations, then please contact me or anyone in the OGC Ethics Office at ethics@epa.gov. Good luck with the form and remember, we can answer any questions you may have.

Cheers,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Fugh, Justina](#)
To: [Chase, Joann](#); [Conger, Nicholas](#); [Diaz, Catherine](#); [Efron, Brent](#); [Frey, H](#); [Goldberg, Ruby](#); [Michalos, Maria](#); [O'Brien, Grant](#); [Nunez, Alejandra](#); [Kim, Eun](#); [Sabater, Juan](#); [Waterhouse, Carlton](#); [Engelman-Lado, Marianne](#)
Cc: [Sinceré Harris](#); [Mercado Violand, Fernando](#)
Subject: Hello from EPA Ethics!
Date: Monday, February 1, 2021 9:33:00 AM

Hi there,

My name is Justina Fugh, and I'm the director of EPA's Ethics Office. Welcome aboard! In your orientation materials, Patricia Moore asked you to contact me about your initial ethics training. My staff and I provide that training to you "in person" (now virtually) so you needn't click on the ethics training module link she gave you. Instead, you'll get virtual training with us on Thursday, February 4 from 12 noon to 1 pm. Because we've got a baker's dozen of you starting today, we'll offer two initial ethics training sessions simultaneously. With fewer people on each call, you'll have a greater opportunity ask questions. I'll randomly assign you to a session, and you'll get a Teams invitation from me later today.

In addition, each of you is required to file a public financial disclosure report electronically. I will assign you that report today, using your EPA email address. But I noticed that a couple of you may have emails that don't necessarily correspond to your preferred names so you might be looking to change your email address (don't ask me how to do that; I don't know!). If you are going to want to change your email address, then let me know. For now, we can set up your account using your personal email address and then ask to have the account merged with your EPA email once you've got that settled. That report is due 30 days from your start date, and you can be assessed a late filing fee, so this is one of those important things you just have to do.

Again, welcome to EPA and let me know if you have any specific questions before we connect on Thursday!

Happy Monday!

Justina

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From: [Fugh, Justina](#)
To: [Diaz, Catherine](#)
Cc: [ethics](#)
Subject: RE: Biden Ethics Pledge for digital signature_signed.pdf
Date: Tuesday, February 9, 2021 10:02:00 AM

[Got it. Thanks!](#)

From: Diaz, Catherine <Diaz.Catherine@epa.gov>
Sent: Tuesday, February 09, 2021 8:25 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: ethics <ethics@epa.gov>
Subject: Biden Ethics Pledge for digital signature_signed.pdf

Hello,

Attached is my signed Biden Ethics Pledge.

Thanks!

Catie Diaz

ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.

2. *Revolving Door Ban — All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.

3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:

- (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
- (b) participate in the specific issue area in which that particular matter falls; or
- (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.

4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.

5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.

6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.

7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.

8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.

9. *Assent to Enforcement.* I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

Diaz, Catherine

Digitally signed by Diaz, Catherine
Date: 2021.02.09 08:22:17 -05'00'

2/9

21

Signature

Date

Name (Type or Print):

Catherine Diaz

From: [Fugh, Justina](#)
To: [Diaz, Catherine](#)
Subject: RE: REMINDER: your financial disclosure report is due tomorrow
Date: Monday, March 29, 2021 5:28:00 PM

Hi Catie,

I've used my supergirl powers to make changes to your report:

- (b) (6), (b) (3) (A)

- [REDACTED]
- [REDACTED]

You're ready to submit!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Diaz, Catherine <Diaz.Catherine@epa.gov>
Sent: Monday, March 29, 2021 3:44 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: REMINDER: your financial disclosure report is due tomorrow

Hi Justina,

Thank you for all your help with this. I added the missing information you identified below. Can you check my report one more time before I submit it?

Thank you,
Catie

Catie Diaz, *(she/her/hers)*

Special Assistant
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Diaz.Catherine@epa.gov

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Friday, March 26, 2021 2:26 PM
To: Diaz, Catherine <Diaz.Catherine@epa.gov>
Subject: RE: REMINDER: your financial disclosure report is due tomorrow

Hi Catie,

Thanks for tackling your report. I'm able to see it before you submit, and I've added the following comments to your report. You've got a little more work to do, please, but you're off to a great start!

Comments of Reviewing Officials (not publicly displayed on report):

PART	#	REFERENCE	COMMENT
■	■	■	(b) (6), (b) (3) (A)
■	■	■	[REDACTED]
■	■	■	[REDACTED]

(b) (6), (b) (3) (A)

Thanks,
Justina

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From: Diaz, Catherine <Diaz.Catherine@epa.gov>
Sent: Friday, March 26, 2021 1:36 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: REMINDER: your financial disclosure report is due tomorrow

Hi Justina,

I hope you are doing well. Thank you for the extension, I have completed my report. Would you or your office be able to look over my Report to ensure I filled it out correctly before I submit? I just want to triple check that I included everything and read the prompts correctly.

Best,
Catie

Catie Diaz, (she/her/hers)

Special Assistant
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Diaz.Catherine@epa.gov

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Monday, March 1, 2021 8:34 PM
To: Diaz, Catherine <Diaz.Catherine@epa.gov>
Subject: RE: REMINDER: your financial disclosure report is due tomorrow

Hi Catie,

You'll need your W2s for your taxes, but they will show your taxable income. The new entrant 278 is asking for your gross income amount, which is different. I'll give you 30 additional days, so your report is now due 4/1/21.

Justina

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From: Diaz, Catherine <Diaz.Catherine@epa.gov>
Sent: Monday, March 01, 2021 5:42 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: REMINDER: your financial disclosure report is due tomorrow

Hi Justina,

I am still working on obtaining my (b) (6)

Is there any way I could please have a short extension to accurately report my salaries for the report?

Thank you in advance,
Catie

Catie Diaz, (she/her/hers)

Special Assistant
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Diaz.Catherine@epa.gov

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Monday, March 1, 2021 9:03 AM
To: Diaz, Catherine <Diaz.Catherine@epa.gov>; O'Brien, Grant <OBrien.Grant@epa.gov>
Subject: REMINDER: your financial disclosure report is due tomorrow

Hi,

We peeked, and you have not yet submitted your new entrant financial disclosure reports to us through INTEGRITY. You have until midnight tomorrow to submit the report or you can be assessed a \$200 late filing fee. Or you may ask for a short extension of time, but you have to provide a reason for why you need more time.

Justina

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From: Fugh, Justina
Sent: Monday, February 01, 2021 9:33 AM
To: Chase, Joann <Chase.Joann@epa.gov>; Conger, Nicholas <Conger.Nicholas@epa.gov>; Diaz, Catherine <Diaz.Catherine@epa.gov>; Efron, Brent <Efron.Brent@epa.gov>; Frey, H <Frey.H@epa.gov>; Goldberg, Ruby <Goldberg.Ruby@epa.gov>; Michalos, Maria <Michalos.Maria@epa.gov>; O'Brien, Grant <OBrien.Grant@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>; Kim, Eun <Kim.Eun@epa.gov>; Sabater, Juan <Sabater.Juan@epa.gov>; Waterhouse, Carlton <Waterhouse.Carlton@epa.gov>; Engelman-Lado, Marianne <EngelmanLado.Marianne@epa.gov>
Cc: Sinceré Harris (b) (6); Mercado Violand, Fernando <MercadoVioland.Fernando@epa.gov>
Subject: Hello from EPA Ethics!

Hi there,

My name is Justina Fugh, and I'm the director of EPA's Ethics Office. Welcome aboard! In your orientation materials, Patricia Moore asked you to contact me about your initial ethics training. My staff and I provide that training to you "in person" (now virtually) so you needn't click on the ethics training module link she gave you. Instead, you'll get virtual training with us on Thursday, February 4 from 12 noon to 1 pm. Because we've got a baker's dozen of you starting today, we'll offer two initial ethics training sessions simultaneously. With fewer people on each call, you'll have a greater opportunity ask questions. I'll randomly assign you to a session, and you'll get a Teams invitation from me later today.

In addition, each of you is required to file a public financial disclosure report electronically. I will assign you that report today, using your EPA email address. But I noticed that a couple of you may have emails that don't necessarily correspond to your preferred names so you might be looking to change your email address (don't ask me how to do that; I don't know!). If you are going to want to change your email address, then let me know. For now, we can set up your account using your personal email address and then ask to have the account merged with your EPA email once you've got that settled. That report is due 30 days from your start date, and you can be assessed a late filing fee, so this is one of those important things you just have to do.

Again, welcome to EPA and let me know if you have any specific questions before we connect on Thursday!
Happy Monday!
Justina

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From: [Fugh, Justina](#)
To: [Goldberg, Ruby](#); [Diaz, Catherine](#)
Subject: Reminder: please sign the Biden pledge
Date: Tuesday, February 9, 2021 12:09:00 AM
Attachments: [Biden Ethics Pledge for digital signature.pdf](#)

Hi,

If you signed the pledge already, I didn't receive it. Did you send it to me or to ethics@epa.gov? If you haven't yet signed the pledge, then please do so.

Thanks,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Fugh, Justina](#)
To: [Kim, Eun](#); [O'Brien, Grant](#); [Diaz, Catherine](#); [Goldberg, Ruby](#); [Levy, Maxwell](#); [Efron, Brent](#)
Subject: Thanks for staying awake today!
Date: Thursday, February 4, 2021 3:48:00 PM
Attachments: [Ethics Briefing Packet for Political Appointees.pdf](#)
[Biden Ethics Pledge for digital signature.pdf](#)

Here is the briefing material, including that handy Hatch Act chart, and the Biden Ethics Pledge for you to sign, please.

If you have any questions, write to ethics@epa.gov or to me directly. We're happy to help!

justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Fugh, Justina](#)
To: [Kim, Eun](#)
Subject: RE: Financial Disclosure Form Question
Date: Monday, February 8, 2021 3:03:00 PM
Attachments: [image001.jpg](#)

It all depends on whether or not you have more than \$5K in that bank. If so, this is where you report it. If not, then the cash account is below the reporting threshold so need not be included at all.

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From: Kim, Eun <Kim.Eun@epa.gov>

Sent: Monday, February 08, 2021 1:10 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: RE: Financial Disclosure Form Question

So in part 6 it seems to say to NOT report cash accounts (final bullet point, #3). Should I still include it in here?

-Eunjung



From: Fugh, Justina <Fugh.Justina@epa.gov>

Sent: Monday, February 8, 2021 1:06 PM

To: Kim, Eun <Kim.Eun@epa.gov>

Subject: Re: Financial Disclosure Form Question

Part 6 for other assets. You can aggregate accounts at the same bank into one entry, such as "US domestic bank, cash accounts."

Sent from my iPhone

On Feb 8, 2021, at 12:56 PM, Kim, Eun <Kim.Eun@epa.gov> wrote:

Hi Justina,

Thanks again for helping out with the Ethics form last week. I was able to mostly finish it, but had 1 part that I was confused about. In the screenshot shown below, it seems to state that I need to include information on "Cash" accounts like checking and savings accounts. But I am not sure which section I would include it in. Do you mind clarifying that for me?

Thanks,

Eunjung

<[image003.jpg](#)>

From: [Fugh, Justina](#)
To: [Kim, Eunjung](#)
Subject: RE: Financial Disclosure Question
Date: Thursday, July 22, 2021 10:02:00 AM

Nah, Teams is better. I get horrible cell reception in the house.

From: Kim, Eunjung <Kim.Eun@epa.gov>
Sent: Thursday, July 22, 2021 10:02 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Financial Disclosure Question

I can call the phone number in your signature.

Eunjung Kim
Special Assistant
Office of Air and Radiation
Environmental Protection Agency
(202) 815-7252

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Thursday, July 22, 2021 10:01 AM
To: Kim, Eunjung <Kim.Eun@epa.gov>
Subject: RE: Financial Disclosure Question

Will you call by phone or teams? If the latter, then I need to remember to disconnect from the VPN

From: Kim, Eunjung <Kim.Eun@epa.gov>
Sent: Thursday, July 22, 2021 9:57 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Financial Disclosure Question

Thank you for the quick reply! I can give you a call in 5 minutes. Please let me know if this doesn't work. Thanks!

Eunjung Kim
Special Assistant
Office of Air and Radiation
Environmental Protection Agency
(202) 815-7252

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Thursday, July 22, 2021 9:56 AM

To: Kim, Eunjung <Kim.Eun@epa.gov>

Subject: RE: Financial Disclosure Question

Sure! Have no meetings today except 11:30 to 12:15 and 2 to 3.

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Kim, Eunjung <Kim.Eun@epa.gov>

Sent: Thursday, July 22, 2021 9:51 AM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Financial Disclosure Question

Hey Justina,

Would you have time today to discuss an ethics/financial question? Thanks

Eunjung Kim

Special Assistant

Office of Air and Radiation

Environmental Protection Agency

(202) 815-7252

From: [Fugh, Justina](#)
To: [Kim, Eun](#)
Subject: RE: I returned your new entrant report to you ... minor issue
Date: Wednesday, February 10, 2021 10:16:00 AM

Hi,

I've certified your report and you're all set. You will not need any recusal statement, in case you were wondering, though we will be drafting those for both Tomás Carbonell and Joe Goffman. In the event that they suggest you help steer things away from them (per their recusals), and need a little dialogue about what that means, feel free to give my staff or me a call.

Cheers,

Justina

Justina Fugh | Director Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North William Jefferson Clinton Federal Building | Washington DC 20460 (for ground deliveries use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Kim, Eun <Kim.Eun@epa.gov>
Sent: Wednesday, February 10, 2021 8:40 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: I returned your new entrant report to you ... minor issue

Hi Justina,

Thank you so much for fixing up my report. I went ahead and deleted the positions from Part 1, but kept in the income info in Part 2. I have resubmitted it now. I really appreciate all the help. Please let me know if you need anything else from me.

Best,

Eunjung

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Tuesday, February 9, 2021 10:18 PM
To: Kim, Eun <Kim.Eun@epa.gov>
Subject: I returned your new entrant report to you ... minor issue

Hi Eunjung,

I tidied up your report for you and returned it to you. Take a look at the report now. You can remove the positions from Part 1 (but you have to leave the income on the other parts). If you do make changes, then afterwards, go to "submit report" on the left hand menu and click there. Then wait for the page to load, scroll down to the attestation paragraph in order to attest and then submit the report back to me. That'll be it!

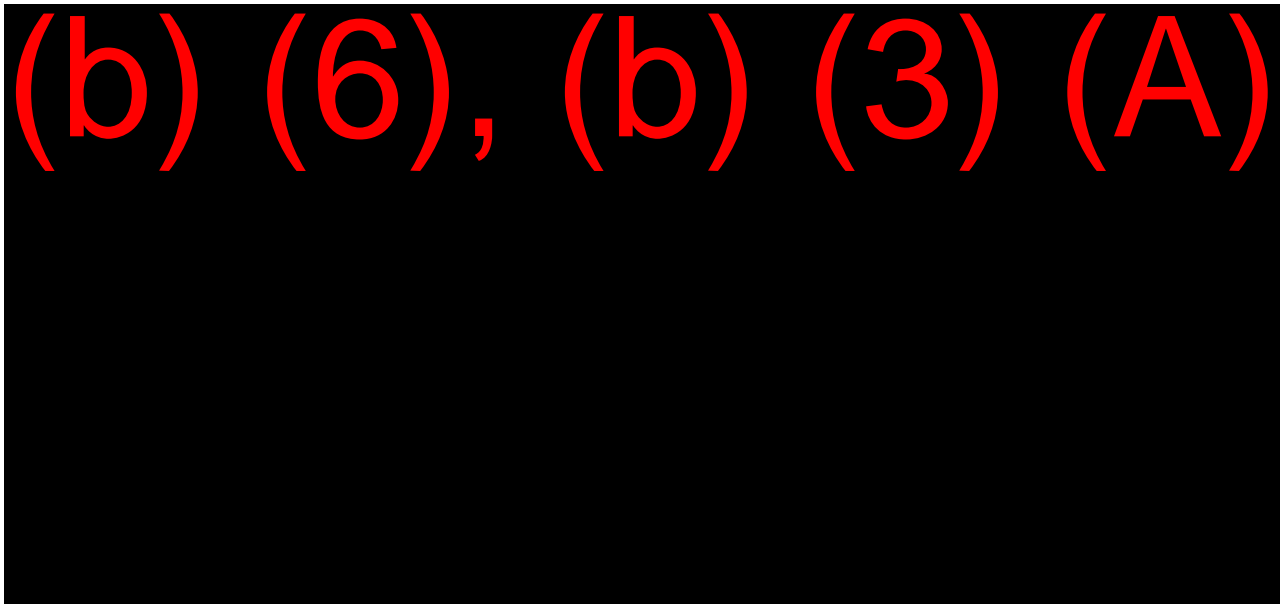
justina

Comments of Reviewing Officials (not publicly displayed on report):

PART	#	REFERENCE	COMMENT
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(b) (6), (b) (3) (A)

(b) (6), (b) (3) (A)



From: [Fugh, Justina](#)
To: [Kim, Eun](#)
Subject: RE: Thanks for staying awake today!
Date: Thursday, February 4, 2021 4:41:00 PM

Hi,

Thanks for the pledge! I've got a 2 pm meeting that should last an hour. How about 3:30?

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Kim, Eun <Kim.Eun@epa.gov>
Sent: Thursday, February 04, 2021 4:25 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Thanks for staying awake today!

Hi Justina,

It was great meeting you today and really appreciate the fun ethics training. Attached is my signed form.

Would you be available tomorrow anytime after 2pm ET to go over all the forms. Please let me know what works best for you.

Best,

Eunjung Kim

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Thursday, February 4, 2021 3:49 PM
To: Kim, Eun <Kim.Eun@epa.gov>; O'Brien, Grant <OBrien.Grant@epa.gov>; Diaz, Catherine <Diaz.Catherine@epa.gov>; Goldberg, Ruby <Goldberg.Ruby@epa.gov>; Levy, Maxwell <Levy.Maxwell@epa.gov>; Efron, Brent <Efron.Brent@epa.gov>
Subject: Thanks for staying awake today!

Here is the briefing material, including that handy Hatch Act chart, and the Biden Ethics Pledge for you to sign, please.

If you have any questions, write to ethics@epa.gov or to me directly. We're happy to help!

justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
2. *Revolving Door Ban — All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
 - (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
 - (b) participate in the specific issue area in which that particular matter falls; or
 - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.
5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.
6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.
7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. *Assent to Enforcement.* I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

Kim, Eun

Signature

Digitally signed by Kim, Eun
Date: 2021.02.04 16:22:57 -05'00'

02/04

Date

21

, 20

Name (Type or Print):

Eun Jung Kim

From: [Fugh, Justina](#)
To: [Goldberg, Ruby](#)
Subject: RE: Ethics Pledge
Date: Tuesday, February 9, 2021 2:23:00 PM

Got it! Thanks, and I hope your first week at EPA went well!

From: Goldberg, Ruby <Goldberg.Ruby@epa.gov>
Sent: Tuesday, February 09, 2021 11:18 AM
To: ethics <ethics@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Ethics Pledge

Hello,

My apologies on the delay sending this in. Thank you for all of your work!

Respectfully,

Ruby Goldberg

ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
2. *Revolving Door Ban — All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
 - (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
 - (b) participate in the specific issue area in which that particular matter falls; or
 - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.
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6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.
7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
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Goldberg, Ruby  Digitally signed by Goldberg, Ruby
Date: 2021.02.09 11:15:25 -05'00'

Signature

Feb 09, 2021
Date

Name (Type or Print): Ruby Goldberg

From: Gold, esp. B...
To: Griffo, Shannon
Subject: RE: OGC/Ethics Follow-up on your Public Financial Disclosure Report
Date: Monday, March 1, 2021 5:58:33 PM

Hi Shannon

No worries I'll give you a call tomorrow if that's alright.

All the best

Ruby

From: Griffo, Shannon <Griffo.Shannon@epa.gov>

Sent: Monday, March 1, 2021 4:12 PM

To: Goldberg, Ruby <Goldberg.Ruby@epa.gov>

Subject: RE: OGC/Ethics Follow-up on your Public Financial Disclosure Report

Hi Ruby

Apologies for the delayed response. Today flew by! I'll be around until 4:30ish and available most of tomorrow (except 10:30-11:30). Feel free to give me a ring at 202-564-7061 at your convenience.

Thanks

Shannon

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

Griffo.Shannon@epa.gov

From: Goldberg, Ruby <Goldberg.Ruby@epa.gov>

Sent: Monday, March 01, 2021 12:03 PM

To: Griffo, Shannon <Griffo.Shannon@epa.gov>

Subject: RE: OGC/Ethics Follow-up on your Public Financial Disclosure Report

Hi Shannon

This is very helpful, thank you. I will make the edits in response to your comments.

For the (b) (6) would you have a couple of minutes to talk this over with me on the phone? I want to make sure that I understand correctly what they are asking.

All the best

Ruby

From: Griffo, Shannon <Griffo.Shannon@epa.gov>

Sent: Monday, March 1, 2021 11:25 AM

To: Goldberg, Ruby <Goldberg.Ruby@epa.gov>

Subject: OGC/Ethics Follow-up on your Public Financial Disclosure Report

Hi Ruby

I'm currently reviewing your financial disclosure report in Integrity. You did a great job but I do have some follow-up questions for you. In Integrity, I've added some comments so that when I send the report back to you, you'll be able to review and edit. You'll find the comments under the "+" sign next to where it indicates "Yes" to the presence of a comment bubble. But I also added the comments on the bottom of this email for quick reference.

So as noted in my comments, I'm following up by email with more specific instructions about the reporting of your (b) (6)

[REDACTED]

Instructions for how to report a defined contribution plan/401(k) are found here: <https://www.epa.gov/Web/278eGuide.nsf/Content/2+-+Your+Employer+Assets++Income++Document+Defined+Contribution+Plan>

Hope that helps! I'll go ahead and send the report back to you in Integrity. Just let me know if you have any other questions or something doesn't make sense. Once you're done with your edits, you'll need to resubmit it and it'll get sent back to me to review.

Thanks

Shannon

Comments of Reviewing Officials (not publicly displayed on report)

PART	#	REFERENCE	COMMENT
■	1	(b) (6), (b) (3) (A)	[REDACTED]
■	1	[REDACTED]	[REDACTED]
■	1	[REDACTED]	[REDACTED]
■	1	[REDACTED]	[REDACTED]
■	1	[REDACTED]	[REDACTED]
■	1	[REDACTED]	[REDACTED]
■	1	[REDACTED]	[REDACTED]
■	1	[REDACTED]	[REDACTED]

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

Griffo.Shannon@epa.gov

From: [Goldberg, Ruby](#)
To: [Fugh, Justina](#)
Subject: RE: Questions about Investing
Date: Thursday, July 1, 2021 3:05:10 PM

No worries at all, this is incredibly helpful. Thank you so much, and I hope you are well!

Best,
Ruby

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Tuesday, June 29, 2021 11:55 PM
To: Goldberg, Ruby <Goldberg.Ruby@epa.gov>
Subject: RE: Questions about Investing

Hi Ruby,

Sorry for the delay in responding, but I got behind in my inbox. The general rule is that you may own “stuff,” but not anything that will present a conflict of interest for you as you carry out your EPA duties. There are also certain regulatory exemption levels, which means you can own “stuff” up to a certain amount and still not have a conflict of interest. Let’s say that you work in OECA and are asked to work on an enforcement action against DuPont, but you own \$20,000 worth of stock in that same company. That’s a conflict and you can’t work on the enforcement action. But if you owned \$10,000, then you would be below the regulatory exemption level and could work on the enforcement action. So we pay attention to what you’re invested in, how much you’ve invested, and what you work on as part of your official duties.

If you want to invest directly into publicly traded stocks or bonds, then pay attention to the regulatory exemption levels. You can still participate in a particular matter if you own less than the levels below:

SPECIFIC PARTY MATTER	MATTER OF GENERAL APPLICABILITY
e.g., an enforcement action against ABC Widget Company	e.g., working on a rulemaking that affects all widget manufacturers
≤\$15,000 in ABC Widget Co. itself or in aggregate among all widget manufacturers	≤\$25,000 aggregate in any one widget maker (e.g., ABC Widget Corp. or DEF Widget Corp.)
≤\$25,000 aggregate for any affected non-parties (e.g., DEF Widget Corp. which manufactures a similar product)	≤\$50,000 aggregate in all affected parties (all widget makers)

--	--

Don't forget that you have to add together your own ownership interest and any imputed interest. You also have to aggregate how many assets you own in the same sector.

EXAMPLE: You own \$8,000 worth of ABC Widget and your spouse also owns \$8,000. You cannot direct your staff to participate in an event at ABC Widget offices because you own more than \$15,000 in the company and cannot participate in any particular matter that involves or affects ABC Widget as a specific party.

EXAMPLE: Your father-in-law passed away recently and bequeathed to your spouse shares in an oil and gas company worth \$30,000. You can't work on a specific party matter involving that company and also now can't work on any rulemaking that affects all oil and gas companies.

You could instead opt to invest in what we call an *excepted investment fund*, which is an investment fund that is: (a) "independently managed," (b) "widely held," and (c) either "publicly traded or available" or "widely diversified."

KEY TERMS:

"independently managed" -- For purposes of the excepted investment fund definition, an investment fund is independently managed if you lack the ability to exercise control over the financial interests held by the fund.

"widely held" -- An investment fund is widely held if the fund has at least 100 natural persons as direct or indirect investors.

"publicly traded or available": An investment fund is publicly traded if it is listed on a national exchange (NYSE or NASDAQ) or a regional exchange in the United States. An investment fund is publicly available if it is, or was, open to anyone who wants to become an investor. A fund is not disqualified solely because it has net worth or income requirements or if an investor must be an "accredited investor."

"widely diversified" -- An investment fund is widely diversified if it does not have a stated policy of concentrating its investments in any industry, business, or single country other than the United States or bonds of a single state within the United States.

If you invest in an EIF, then there is no conflicts issue, irrespective of how much you have invested. But if you're investing in a sector fund (e.g., a fund that concentrates on a single country or single industrial sector), then we will want to keep track of how much you've invested and what your EPA duties are.

Justina

deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Goldberg, Ruby <Goldberg.Ruby@epa.gov>

Sent: Thursday, June 24, 2021 7:12 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Questions about Investing

Hi Justina,

I hope you are doing well! We spoke when I very first joined the agency in January, I am the new Special Assistant in the OLEM. I am hoping you are the right person to ask this question to, or that if not you might be able to direct me to the right person.

I am thinking about trying to invest some funds that I have saved. I recall that this is potentially an area where there are ethics guidelines, but I was wondering if you might be able to give me a better sense of the rules / guidelines / best practice that I should follow as I start thinking about this.

Let me know if there's any other information that I can share with you, or the best way to have this conversation. Thanks very much, have a great evening.

Ruby Goldberg

From: [Goldberg, Ruby](#)
To: [Fugh, Justina](#)
Subject: RE: Reminder: please sign the Biden pledge
Date: Tuesday, February 9, 2021 11:20:08 AM

Hi Justina,
Just sent it over to you and the general ethics email. My apologies, thank you for a great training last week.
All the best,
Ruby

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Tuesday, February 9, 2021 12:09 AM
To: Goldberg, Ruby <Goldberg.Ruby@epa.gov>; Diaz, Catherine <Diaz.Catherine@epa.gov>
Subject: Reminder: please sign the Biden pledge

Hi,
If you signed the pledge already, I didn't receive it. Did you send it to me or to ethics@epa.gov? If you haven't yet signed the pledge, then please do so.

Thanks,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Goldberg, Ruby](#)
To: [Griffo, Shannon](#)
Subject: RE: REMINDER: please update your financial disclosure report!
Date: Thursday, March 11, 2021 4:38:01 PM

Thanks, I appreciate all of your help on this!
Have a great evening,
Ruby Goldberg

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Thursday, March 11, 2021 4:17 PM
To: Goldberg, Ruby <Goldberg.Ruby@epa.gov>
Subject: RE: REMINDER: please update your financial disclosure report!
Thanks Ruby I went ahead and deleted it from Part 2 Your report has been certified!
Shannon Griffo
Office of General Counsel, Ethics Office
U S Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Goldberg, Ruby <Goldberg.Ruby@epa.gov>
Sent: Thursday, March 11, 2021 12:02 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: REMINDER: please update your financial disclosure report!
Hi Shannon,
That makes sense to me – I trust your judgement (b) (6)

Best,
Ruby

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Thursday, March 11, 2021 11:57 AM
To: Goldberg, Ruby <Goldberg.Ruby@epa.gov>
Subject: RE: REMINDER: please update your financial disclosure report!
Hi Ruby,
I have your report, and I only have one follow-up question (b) (6)

next year's annual report, you'll need to revisit the values and include it if it's over the thresholds

Thanks,
Shannon
Shannon Griffo
Office of General Counsel, Ethics Office
U S Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Goldberg, Ruby <Goldberg.Ruby@epa.gov>
Sent: Wednesday, March 10, 2021 5:15 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: REMINDER: please update your financial disclosure report!
Hi Shannon, thank you for the note I just re-submitted it, hopefully that goes through
Have a great evening,
Ruby Goldberg

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Wednesday, March 10, 2021 4:30 PM
To: Goldberg, Ruby <Goldberg.Ruby@epa.gov>
Subject: RE: REMINDER: please update your financial disclosure report!
Hi Ruby,
I know we spoke on the phone, and you've made some changes to your report. But I wanted to check to see if you've completed your edits. If so, you'll need to make sure you go to the bottom and hit Submit, otherwise it'll sit with you and won't come back to us for review
Thanks!
Shannon
Shannon Griffo
Office of General Counsel, Ethics Office
U S Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Sunday, March 07, 2021 8:58 PM
To: Goldberg, Ruby <Goldberg.Ruby@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: REMINDER: please update your financial disclosure report!
Hi,

On 3/1/21, Shannon Griffo returned your financial disclosure report to you to make the following changes. Please respond soon!

Comments of Reviewing Officials (not publicly displayed on report):

PART	#	REFERENCE	COMMENT
(b) (6), (b) (3) (A)			

■ ■ (b) (6), (b) (3) (A) [REDACTED]

■ ■ [REDACTED] [REDACTED]

■ ■ [REDACTED] [REDACTED]

Thanks,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Fugh, Justina](#)
To: [Kim, Eun](#); [O'Brien, Grant](#); [Diaz, Catherine](#); [Goldberg, Ruby](#); [Levy, Maxwell](#); [Efron, Brent](#)
Subject: Thanks for staying awake today!
Date: Thursday, February 4, 2021 3:48:00 PM
Attachments: [Ethics Briefing Packet for Political Appointees.pdf](#)
[Biden Ethics Pledge for digital signature.pdf](#)

Here is the briefing material, including that handy Hatch Act chart, and the Biden Ethics Pledge for you to sign, please.

If you have any questions, write to ethics@epa.gov or to me directly. We're happy to help!

justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [O'Brien, Grant](#)
To: [Fugh, Justina](#)
Subject: Re: REMINDER: quick question
Date: Sunday, March 7, 2021 9:54:03 PM

Thanks so much Justina - much appreciated!

Sent from my iPhone

On Mar 5, 2021, at 10:42 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Great! I'll be able to certify your report now. Woo hoo!

From: O'Brien, Grant <OBrien.Grant@epa.gov>
Sent: Friday, March 05, 2021 9:22 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: REMINDER: quick question

So sorry about the delayed reply. (b) (6)

Sent from my iPhone

On Mar 5, 2021, at 6:09 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Please let me know (b) (6)

Thanks!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA |
Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal
Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip
code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina
Sent: Thursday, March 04, 2021 4:38 PM
To: O'Brien, Grant <OBrien.Grant@epa.gov>

Subject: quick question

Hi Grant,

Thanks for making the changes to your report. (b) (6)

I'll add that for you and then you will be done!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA |
Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal
Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip
code) | phone 202-564-1786 | fax 202-564-1772

From: [O'Brien, Grant](#)
To: [Fugh, Justina](#)
Subject: RE: Thanks for staying awake today!
Date: Friday, February 5, 2021 9:44:35 AM
Attachments: [O'Brien Grant Biden Ethics Pledge for digital signature SIGNED.pdf](#)

Justina,

Thank you so much for taking the time to walk us through the ethics training. It was incredibly informative and I imagine I will have many questions for you as time goes on, so I'm really looking forward to working together.

I have attached a .pdf signed copy of the Biden ethics pledge. Please let me know if you have any questions or concerns.

Best,

Grant

-

Grant O'Brien | Advance Specialist
U.S. Environmental Protection Agency
(202) 253-6051 | obrien.grant@epa.gov

From: Fugh, Justina <Fugh.Justina@epa.gov>

Sent: Thursday, February 4, 2021 3:49 PM

To: Kim, Eun <Kim.Eun@epa.gov>; O'Brien, Grant <OBrien.Grant@epa.gov>; Diaz, Catherine <Diaz.Catherine@epa.gov>; Goldberg, Ruby <Goldberg.Ruby@epa.gov>; Levy, Maxwell <Levy.Maxwell@epa.gov>; Efron, Brent <Efron.Brent@epa.gov>

Subject: Thanks for staying awake today!

Here is the briefing material, including that handy Hatch Act chart, and the Biden Ethics Pledge for you to sign, please.

If you have any questions, write to ethics@epa.gov or to me directly. We're happy to help!

justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
2. *Revolving Door Ban — All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
 - (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
 - (b) participate in the specific issue area in which that particular matter falls; or
 - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.
5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.
6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.
7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. *Assent to Enforcement.* I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

O'Brien, Grant

Digitally signed by OBrien, Grant
Date: 2021.02.05 09:41:38 -05'00'

February 5, 2021

Signature

Date

Name (Type or Print): Grant O'Brien

From: [Fugh, Justina](#)
To: [Diaz, Catherine](#); [O'Brien, Grant](#)
Subject: REMINDER: your financial disclosure report is due tomorrow
Date: Monday, March 1, 2021 9:03:00 AM

Hi,

We peeked, and you have not yet submitted your new entrant financial disclosure reports to us through INTEGRITY. You have until midnight tomorrow to submit the report or you can be assessed a \$200 late filing fee. Or you may ask for a short extension of time, but you have to provide a reason for why you need more time.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina

Sent: Monday, February 01, 2021 9:33 AM

To: Chase, Joann <Chase.Joann@epa.gov>; Conger, Nicholas <Conger.Nicholas@epa.gov>; Diaz, Catherine <Diaz.Catherine@epa.gov>; Efron, Brent <Efron.Brent@epa.gov>; Frey, H <Frey.H@epa.gov>; Goldberg, Ruby <Goldberg.Ruby@epa.gov>; Michalos, Maria <Michalos.Maria@epa.gov>; O'Brien, Grant <OBrien.Grant@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>; Kim, Eun <Kim.Eun@epa.gov>; Sabater, Juan <Sabater.Juan@epa.gov>; Waterhouse, Carlton <Waterhouse.Carlton@epa.gov>; Engelman-Lado, Marianne <EngelmanLado.Marianne@epa.gov>

Cc: Sinceré Harris <(b) (6)>; Mercado Violand, Fernando <MercadoVioland.Fernando@epa.gov>

Subject: Hello from EPA Ethics!

Hi there,

My name is Justina Fugh, and I'm the director of EPA's Ethics Office. Welcome aboard! In your orientation materials, Patricia Moore asked you to contact me about your initial ethics training. My staff and I provide that training to you "in person" (now virtually) so you needn't click on the ethics training module link she gave you. Instead, you'll get virtual training with us on Thursday, February 4 from 12 noon to 1 pm. Because we've got a baker's dozen of you starting today, we'll offer two initial ethics training sessions simultaneously. With fewer people on each call, you'll have a greater opportunity ask questions. I'll randomly assign you to a session, and you'll get a Teams invitation from me later today.

In addition, each of you is required to file a public financial disclosure report electronically. I will assign you that report today, using your EPA email address. But I noticed that a couple of you may have emails that don't necessarily correspond to your preferred names so you might be looking to change your email address (don't ask me how to do that; I don't know!). If you are going to want to change your email address, then let me know. For now, we can set up your account using your personal email address and then ask to have the account merged with your EPA email once you've got that settled. That report is due 30 days from your start date, and you can be assessed a late filing fee, so this is one of those important things you just

have to do.

Again, welcome to EPA and let me know if you have any specific questions before we connect on Thursday!

Happy Monday!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Sabater, Juan](#)
To: [ethics](#)
Cc: [Fugh, Justina](#)
Subject: Biden Ethics Pledge Signed
Date: Thursday, February 4, 2021 3:07:49 PM
Attachments: [Biden Ethics Pledge Juan Sabater Signed.pdf](#)

Hello,

Here is my signed Biden Ethics Pledge! Thank-You again for a wonderful briefing. I look forward to collaborating with the Ethics team further!

Regards,

Juan Sabater (He/Him)

Special Assistant, OW IO, EPA

Cell: (202) 815-9919 | sabater.juan@epa.gov

ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

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3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
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 - (b) participate in the specific issue area in which that particular matter falls; or
 - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
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7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
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Sabater, Juan

Signature

Digitally signed by Sabater, Juan
Date: 2021.02.04 15:02:25 -05'00'

Februrary 4th, 2021

Date

Name (Type or Print): Juan Sabater

From: [Fugh, Justina](#)
To: [Chase, Joann](#); [Conger, Nicholas](#); [Diaz, Catherine](#); [Efron, Brent](#); [Frey, H](#); [Goldberg, Ruby](#); [Michalos, Maria](#); [O'Brien, Grant](#); [Nunez, Alejandra](#); [Kim, Eun](#); [Sabater, Juan](#); [Waterhouse, Carlton](#); [Engelman-Lado, Marianne](#)
Cc: [Sinceré Harris](#); [Mercado Violand, Fernando](#)
Subject: Hello from EPA Ethics!
Date: Monday, February 1, 2021 9:33:00 AM

Hi there,

My name is Justina Fugh, and I'm the director of EPA's Ethics Office. Welcome aboard! In your orientation materials, Patricia Moore asked you to contact me about your initial ethics training. My staff and I provide that training to you "in person" (now virtually) so you needn't click on the ethics training module link she gave you. Instead, you'll get virtual training with us on Thursday, February 4 from 12 noon to 1 pm. Because we've got a baker's dozen of you starting today, we'll offer two initial ethics training sessions simultaneously. With fewer people on each call, you'll have a greater opportunity ask questions. I'll randomly assign you to a session, and you'll get a Teams invitation from me later today.

In addition, each of you is required to file a public financial disclosure report electronically. I will assign you that report today, using your EPA email address. But I noticed that a couple of you may have emails that don't necessarily correspond to your preferred names so you might be looking to change your email address (don't ask me how to do that; I don't know!). If you are going to want to change your email address, then let me know. For now, we can set up your account using your personal email address and then ask to have the account merged with your EPA email once you've got that settled. That report is due 30 days from your start date, and you can be assessed a late filing fee, so this is one of those important things you just have to do.

Again, welcome to EPA and let me know if you have any specific questions before we connect on Thursday!

Happy Monday!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Sabater, Juan](#)
To: [Clarke, Victoria](#)
Subject: RE: Financial Disclosure Questions
Date: Monday, February 8, 2021 9:50:15 AM

Awesome! So grateful for your help.

Regards,

Juan Sabater (He/Him)

Special Assistant, Office of Water IO
U.S. Environmental Protection Agency
Cell: (202) 815-9919 | sabater.juan@epa.gov

From: Clarke, Victoria <clarke.victoria@epa.gov>

Sent: Monday, February 8, 2021 9:49 AM

To: Sabater, Juan <Sabater.Juan@epa.gov>

Subject: RE: Financial Disclosure Questions

You're always welcome.

(b) (6) would fall into Part 6 "Other Assets and Income."

The reporting period for Part 6 only goes back the preceding calendar year. (Let's say if you were to file tomorrow, the reporting period is from January 1, 2020 to February 9, 2021). The 2018 purchase/sale of (b) (6) is far outside of that window, so you don't need to reflect it as something that you owned.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

From: Sabater, Juan <Sabater.Juan@epa.gov>

Sent: Monday, February 08, 2021 9:42 AM

To: Clarke, Victoria <clarke.victoria@epa.gov>

Subject: RE: Financial Disclosure Questions

Thanks so much Victoria!

I do have a second question now, (b) (6) and haven't since invested. Is that something I should report still or exclude it since it's not an investment I currently hold?

Happy Monday! Hope your weekend went well.

Regards,

Juan Sabater (He/Him)

Special Assistant, Office of Water IO
U.S. Environmental Protection Agency
Cell: (202) 815-9919 | sabater.juan@epa.gov

From: Clarke, Victoria <clarke.victoria@epa.gov>

Sent: Monday, February 8, 2021 9:36 AM

To: Sabater, Juan <Sabater.Juan@epa.gov>

Subject: RE: Financial Disclosure Questions

Hi Juan!

So for the purposes of reporting (b) (6), this is not something that you would list out in Part 1 ("Your Positions."). However, you do have to report the salary/income that you received from this organization in Part 2 (Your Employment Assets & Income). (b) (6), (b) (3) (A)

I hope that helps!

Victoria
Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Sabater, Juan <Sabater.Juan@epa.gov>

Sent: Saturday, February 06, 2021 3:25 PM

To: Clarke, Victoria <clarke.victoria@epa.gov>

Subject: Financial Disclosure Questions

Hi Victoria,

I am currently filling out my Financial Disclosure Report and I have run into an area of confusion. When logging my prior positions within the reporting period, it states to not include any positions with political organizations. (b) (6)

Should I still include this position? And if so, what should I list under "Organization Type"?

Thank you so much, I hope your weekend is going well.

Regards,

Juan Sabater (He/Him)

Special Assistant, Office of Water IO
U.S. Environmental Protection Agency
Cell: [\(202\) 815-9919](tel:2028159919) | sabater.juan@epa.gov
Sent from my iPhone

From: [Sabater, Juan](#)
To: [Clarke, Victoria](#)
Subject: RE: Financial Disclosure Questions
Date: Monday, February 22, 2021 9:06:48 AM

Great! Thanks so much!

Regards,

Juan Sabater (He/Him)

Special Assistant, Office of Water IO
U.S. Environmental Protection Agency
Cell: (202) 815-9919 | sabater.juan@epa.gov

From: Clarke, Victoria <clarke.victoria@epa.gov>

Sent: Monday, February 22, 2021 9:04 AM

To: Sabater, Juan <Sabater.Juan@epa.gov>

Subject: RE: Financial Disclosure Questions

Yes, even if (b) (6)

As you're filling out the form, you may find [OGE's 278 guide to be very helpful](#) – I know I certainly look at it when I have review the forms. It has examples about how each section should look, as well as what to include based on the type of entry you're trying to add.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

From: Sabater, Juan <Sabater.Juan@epa.gov>

Sent: Monday, February 22, 2021 9:01 AM

To: Clarke, Victoria <clarke.victoria@epa.gov>

Subject: RE: Financial Disclosure Questions

Hi Victoria,

Yes this is regarding section 1! This is applicable even if (b) (6) And the same goes for the name of the organization, go with the W-2 Information? I want to make sure I fill everything out properly!

Regards,

Juan Sabater (He/Him)

Special Assistant, Office of Water IO
U.S. Environmental Protection Agency
Cell: (202) 815-9919 | sabater.juan@epa.gov

From: Clarke, Victoria <clarke.victoria@epa.gov>

Sent: Monday, February 22, 2021 8:53 AM

To: Sabater, Juan <Sabater.Juan@epa.gov>

Cc: ethics <ethics@epa.gov>

Subject: RE: Financial Disclosure Questions

Hi Juan,

This is with respect to Section 1, right? It should be the place where the organization is located – so you would use the information on the W-2. You don't need to put the full address, just the city/state.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

From: Sabater, Juan <Sabater.Juan@epa.gov>

Sent: Monday, February 22, 2021 8:50 AM

To: Clarke, Victoria <clarke.victoria@epa.gov>

Cc: ethics <ethics@epa.gov>

Subject: Financial Disclosure Questions

Hello Victoria!

My apologies for the delay with filling out my ethics documents, this past week has been quite busy!

I have an initial question: when filling out the section regarding positions held, should I put the name and address of (b) (6) I worked at specifically or should I put the information of the larger corporation that shows up on my W-2?

EX: (b) (6)

Thank you for your patience and assistance!

Regards,

Juan Sabater (He/Him)

Special Assistant, Office of Water IO

U.S. Environmental Protection Agency

Cell: (202) 815-9919 | sabater.juan@epa.gov

From: [Sabater, Juan](#)
To: [Fugh, Justina](#)
Subject: Re: Financial Disclosure Report Assistance
Date: Saturday, February 6, 2021 3:25:27 PM

Thank you so much Justina!

Sent from my iPhone

On Feb 6, 2021, at 2:56 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi Juan,

Victoria Clarke, copied here, is your point of contact on your financial disclosure report. She'll be happy to help you answer your question!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Sabater, Juan <Sabater.Juan@epa.gov>
Sent: Saturday, February 06, 2021 1:21 PM
To: ethics <ethics@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Financial Disclosure Report Assistance

Hello,

I am currently filling out my Financial Disclosure Report and I have run into an area of confusion. When logging my prior positions within the reporting period, it states to not include any positions with political organizations. (b) (6)

[REDACTED]
[REDACTED]. Should I still include this position? And if so, what should I list under "Organization Type"?

Thank you so much, I hope your weekend is going well.

Regards,

Juan Sabater (He/Him)

Special Assistant, Office of Water IO
U.S. Environmental Protection Agency
Cell: (202) 815-9919 | sabater.juan@epa.gov

From: [Sabater, Juan](#)
To: [Fugh, Justina](#)
Cc: [ethics](#); [Kitamura, Louise](#)
Subject: RE: Jury Duty Question
Date: Monday, July 26, 2021 6:44:04 PM

Hi Justina,

I appreciate your reply! This is extremely helpful and I will make sure to follow through with the guidelines on compensation.

Regards,

Juan Sabater (He/Him)

Special Assistant, Office of Water IO
U.S. Environmental Protection Agency
Cell: (202) 815-9919 | sabater.juan@epa.gov

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Monday, July 26, 2021 6:32 PM
To: Sabater, Juan <Sabater.Juan@epa.gov>
Cc: [ethics](mailto:ethics@epa.gov) <ethics@epa.gov>; [Kitamura, Louise](mailto:Kitamura.Louise@epa.gov) <Kitamura.Louise@epa.gov>
Subject: RE: Jury Duty Question

Hi Juan,

The answer to the question is YES, you are employed on a full time basis as a public official of the United States. It's very important for you to realize that you MUST DECLINE any compensation from the court if you are indeed asked to serve. The reason is that, in People Plus, you will enter "court leave" which means that EPA will continue to pay your salary and you will not be assessed for any annual leave. For directions about collecting court fees and to whom to send them, see [here](#).

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Sabater, Juan <Sabater.Juan@epa.gov>
Sent: Monday, July 26, 2021 2:31 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: [ethics](mailto:ethics@epa.gov) <ethics@epa.gov>; [Kitamura, Louise](mailto:Kitamura.Louise@epa.gov) <Kitamura.Louise@epa.gov>
Subject: Jury Duty Question

Hi Justina,

I was summoned for Jury Duty at a US District Court in Miami and have been asked to fill out a screening questionnaire. I am unsure how to answer this following question: "Are you employed on a full time basis as a public official of the United States, state or local government who is elected to public office or directly appointed by one elected to office?". Could you give me some guidance, I would appreciate it!

Regards,

Sent from my iPhone

From: [Sabater, Juan](#)
To: [Fugh, Justina](#)
Cc: [Keith, Jennie](#)
Subject: Re: questions for me to make an impartiality determination
Date: Saturday, March 27, 2021 4:32:06 PM
Attachments: [image001.png](#)
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[image032.jpg](#)

Hi Justina,

I believe I've only (b) (6). Since then I haven't really interacted with the school beyond liking social media posts! I don't serve on any boards or partake in any groups related to the school either.

Hope this helps.

Sent from my iPhone

On Mar 27, 2021, at 4:24 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi Juan,

In the grand scheme of things, this particular situation is not really dire. After all, you didn't violate an ethics pledge rule, and you asked for ethics guidance before participating as a speaker yourself. I just took the liberty of using this situation as an example for applying the ethics rules. Yes, you need official approval to proceed in official capacity, but you still need an impartiality determination from an ethics official as order to proceed.

Are you an “active participant” with FIU such that you have a “covered relationship” with it pursuant to the impartiality regulations at 5 CFR 2635.502(b)(v)? Are you active in alumni activities with FIU? If so, what activities do you do? Do you do more than just make an occasional donation to the annual fund? Do you serve as an active member of any alumni boards, clubs or affinity groups?

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Sabater, Juan <Sabater.Juan@epa.gov>
Sent: Saturday, March 27, 2021 11:21 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Keith, Jennie <Keith.Jennie@epa.gov>
Subject: RE: Congratulations from FIU! / Invitation for EPA to present on the morning of April 6th

Hi Justina,

There were two separate invitations provided in the original email. One for Radhika Fox or an OW representative to speak at a Costal Water Quality summit and the other for me which is what I forwarded the White House Liaisons and the Ethics team. For the original request for an OW rep, I had submitted the information to Justina already and we only requested the speaker form to receive more details, not as an approval of attendance. That request was later declined due to scheduling conflicts, amongst other issues. The request that was specifically for me was forwarded directly to you once they requested again and I also made sure to say that I was unable to commit to anything before proper review in my email reply to FIU.

I hope this email response clears up the timeline, I want to make sure that I show I didn't break any Ethics pledge related processes or standards. Thank you for the walk through though, really makes me realize that anything can be brought into question! I'll reach out to my supervisors on Monday about using my EPA status and also get clarification from FIU on whether they would like that to be the case. I will make sure to be even more cautious next time.

Thank you again! Hope your weekend goes well.

Regards,

Juan Sabater (He/Him)

Special Assistant, Office of Water IO

U.S. Environmental Protection Agency

Cell: (202) 815-9919 | sabater.juan@epa.gov

From: Fugh, Justina <Fugh.Justina@epa.gov>

Sent: Saturday, March 27, 2021 1:16 AM

To: Sabater, Juan <Sabater.Juan@epa.gov>

Cc: Keith, Jennie <Keith.Jennie@epa.gov>

Subject: FW: Congratulations from FIU! / Invitation for EPA to present on the morning of April 6th

Hi Juan,

I am copying Jennie Keith in the Ethics Office because she is regularly consulted by Louise Kitamura about invitations that OW receives. She may have already discussed this matter with Louise since you indicated on March 22 that you would be bringing up the invitation with your team. So it's quite possible that this invitation has already received an ethics vetting!

But if not, then allow me to review the ethics implications of this invitation for you to participate in an event sponsored by your alma mater, Florida International University (FIU). I note that you already chose to participate by processing their initial request for OW speakers, possibly before seeking ethics advice even though (a) you have a prior relationship with this requestor (your alma mater) and (b) it is a federally registered lobbyist (although, admittedly, also a 501(c)(3)).

During initial ethics training, we stressed that employees need to be vigilant about the loss of impartiality in carrying out their official duties. When you have a relationship with the requestor – whether it's a relative, close friend, or organization with which you have history such as your alma mater -- you need to wonder whether a reasonable person with knowledge of the relevant facts (i.e., your pre-existing relationship) will question your ability to be impartial. In other words, are you giving FIU students preferential treatment and special access to EPA simply because you went there?

Had you consulted me when the invitation came in (and, for all I know, you did already consult with an ethics official), I would have asked whether you are an "active participant" with FIU such that you have a "covered relationship" with it pursuant to the impartiality regulations at 5 CFR 2635.502(b)(v). I would have asked if you are an active alumnus of FIU and whether you do more than just make an occasional donation to the annual fund, such as encourage classmates to

donate or serve as an active member of any alumni boards, clubs or affinity groups. I would want to ascertain whether your raising the FIU invitation is in EPA's best interests – as determined by your supervisor or an ethics official – or simply because you went there and are providing them with special access.

With respect to whether you may participate as a speaker yourself, we need to know whether you will be doing so in your personal capacity or in your official EPA capacity. Remember that only your supervisor can approve the use of official time to participate in your official capacity. If approved, then you would be able to use official time, official EPA equipment (such as the EPA computer), and be able to make reference to your EPA position and title. Although you may talk about your personal career journey, you must remember that you are representing EPA, on government time. You will not have to take annual leave, but you must remember that you cannot engage in any political activity or speech. You may talk about the direction of this Administrator and the Biden Administration, but you cannot advocate for or against any candidate for partisan election, any political party or any political group. You are permitted to represent EPA, so if you have a personal opinion or observation, make sure the audience is not confused that you are speaking for EPA at that moment.

If instead you will be speaking in your personal capacity, then you need to take annual leave and, as a prudential matter, do not use EPA equipment. You cannot refer solely to your EPA position or title. If you do mention EPA, then it can be only as one of several biographical details with EPA not having any undue prominence. Because you are on annual leave, you could feel less proscribed if you want to talk about political activity but if so, then remember that you cannot ever mention EPA in connection with that activity and cannot solicit political contributions. Even if you are participating in your personal capacity, I still urge caution if you broach political topics.

Because you have already worked within OW on this invitation as part of your official duties, I hope you can get your supervisor's approval to treat your participation as a continuation of that official duty. Please note that FIU is a federally registered lobbyist, so be mindful of the implications under the Biden ethics pledge you signed. You agreed not to accept any gift from a federally registered lobbyist of any amount. However, because FIU is also a 501(c)(3), so the strict prohibition against gifts is ameliorated. If you receive a gift from FIU, such as a mug or t-shirt in appreciation, remember to have ethics official evaluate it. Generally speaking, you cannot accept a gift for doing your official duty, although there may be limited exceptions for us to consider applying.

Well, Juan, I hope you can see that ethics issues loom everywhere, and it's up to each employee to tread lightly and ask questions. Anytime you realize, oh, hey, I am involved with the requestor because of some prior relationship or association, you should consult with an ethics official just to be sure you're not making a misstep. The Biden ethics pledge you signed said that you "commit to decision-making on the merits and *exclusively in the public interest*, without regard to private gain or personal benefit."

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Sabater, Juan >

Sent: Friday, March 26, 2021 3:31 PM

To: Mercado Violand, Fernando <MercadoVioland.Fernando@epa.gov>; Harris, Sincere <Harris.Sincere@epa.gov>

Subject: FW: Congratulations from FIU! / Invitation for EPA to present on the morning of April 6th

Hi Fernando and Sincere,

I just received this request from my Alma Mater to meet with some current students to talk about "my career", do you think this is something that is allowed? Should I bother forwarding to the Ethics team, or just decline.

I look forward to your insight! Happy Weekend!

Regards,

Juan Sabater (He/Him)

Special Assistant, Office of Water IO

U.S. Environmental Protection Agency

Cell: (202) 815-9919 | sabater.juan@epa.gov

From: Tabitha "Alex" Fleming <flemingt@fiu.edu>

Sent: Friday, March 26, 2021 2:53 PM

To: Sabater, Juan <Sabater.Juan@epa.gov>; Carlos Becerra <cabecerr@fiu.edu>

Cc: Laija, Emerald <Laija.Emerald@epa.gov>

Subject: Re: Congratulations from FIU! / Invitation for EPA to present on the morning

of April 6th

Hi Juan –

One more request! We are hosting a “pre-session” from 8:30 to 8:45 AM on April 6 with 20ish FIU students who are participating in the Environmental three-day Fly-in.

We would like to use this 15 minute “virtual gathering” as an opportunity for two alumni (yourself and another FIU Rockstar) to chat with the students about their experience, their career and the impact they are making. Would you be able to join us for this portion of the fly-in? It will be over Zoom as well and a casual meet-n-greet conversation with the students.

Let me know or if you have any questions! Happy to provide additional information.

Thank you!

Alex

Alex Fleming, *Assistant Director, Advocacy Communications*

FIU in Washington, D.C.

Office of Governmental Relations

Cell: (b) (6) | flemingt@fiu.edu |

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Wear a face covering
and do not touch
your face

Wash your hands or
use hand sanitizer

Practice physical
distancing and stay
6ft apart

Stay home if you feel
ill

Clean surfaces

From: Tabitha "Alex" Fleming <flemingt@fiu.edu>

Date: Monday, March 22, 2021 at 10:04 PM

To: Sabater, Juan <Sabater.Juan@epa.gov>, Carlos Becerra <cabecerr@fiu.edu>

Cc: Laija, Emerald <Laija.Emerald@epa.gov>

Subject: Re: Congratulations from FIU! / Invitation for EPA to present on the morning of April 6th

Really appreciate it and please let me know if any additional information could be helpful.

Thanks all,

Alex

From: Sabater, Juan <Sabater.Juan@epa.gov>
Sent: Monday, March 22, 2021 3:34:06 PM
To: Tabitha "Alex" Fleming <flemingt@fiu.edu>; Carlos Becerra <cabecerr@fiu.edu>
Cc: Laija, Emerald <Laija.Emerald@epa.gov>
Subject: RE: Congratulations from FIU! / Invitation for EPA to present on the morning of April 6th

Hi Alex,

Thanks for the quick response! Our team will be talking about this speaking engagement and get back to you within the week. As you probably know, our team is quite busy at the moment but we hope to accommodate this request in a feasible manner. I will get back to you once our first levels of approval come through.

Regards,

Juan Sabater (He/Him)

Special Assistant, Office of Water IO
U.S. Environmental Protection Agency
Cell: (202) 815-9919 | sabater.juan@epa.gov

From: Tabitha "Alex" Fleming <flemingt@fiu.edu>
Sent: Monday, March 22, 2021 1:49 PM
To: Carlos Becerra <cabecerr@fiu.edu>; Sabater, Juan <Sabater.Juan@epa.gov>
Cc: Laija, Emerald <Laija.Emerald@epa.gov>
Subject: Re: Congratulations from FIU! / Invitation for EPA to present on the morning of April 6th

Hello all –

Yes, thank you for your help and look forward to chatting more on future possibilities.

We appreciate you passing along the speaker request form. I have filled out and will pass along to the contacts listed. Also attaching here for your reference and consideration.

Please let me know if you need anything else and again, really appreciate it. Emy, if best, feel free to give me a call on my cell phone at (b) (6) to discuss.

This event is also open to the public so if you have anyone in mind you would like to see attend, please feel free to circulate the invite or pass along to me and I will be sure they are registered.

Thank you again,

Alex

Alex Fleming, Assistant Director, Advocacy Communications

FIU in Washington, D.C.

Office of Governmental Relations

Cell: (b) (6) | flemingt@fiu.edu |

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Wear a face covering
and do not touch
your face

Wash your hands or
use hand sanitizer

Practice physical
distancing and stay
6ft apart

Stay home if you feel
ill

Clean surfaces

From: Carlos Becerra <cabecerr@fiu.edu>

Date: Monday, March 22, 2021 at 1:41 PM

To: Sabater, Juan <Sabater.Juan@epa.gov>

Cc: Tabitha "Alex" Fleming <flemingt@fiu.edu>, Laija, Emerald
<Laija.Emerald@epa.gov>

Subject: Re: Congratulations from FIU! / Invitation for EPA to present on the
morning of April 6th

Awesome, Juan and Emy.

And on our end our Assistant Director here at FIU in DC, Alex Fleming, is coordinating
the program logistics.

Looking forward to this,

Carlos

Carlos A. Becerra

Florida International University

Office of Governmental Relations - Washington, D.C.

Mobile: (b) (6)

carlos.becerra@fiu.edu

washingtondc.fiu.edu

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From: "Sabater, Juan" <Sabater.Juan@epa.gov>
Date: Monday, March 22, 2021 at 12:47 PM
To: Carlos Becerra <cabecerr@fiu.edu>
Cc: "Tabitha "Alex" Fleming" <flemingt@fiu.edu>, "Laija, Emerald" <Laija.Emerald@epa.gov>
Subject: RE: Congratulations from FIU! / Invitation for EPA to present on the morning of April 6th

Note: This message originated from outside the FIU Faculty/Staff email system.

Hi Carlos,

Sorry for the delay in reply, thank you for bumping this request in my inbox! Attached above is our Speaker Request form where you can provide our team at OW with an outline of all of the significant portions of your upcoming event. My best suggestion is that the team at FIU requests a presence from a member of our Office for Wetlands, Oceans, and Watersheds. I have cc'd my fellow Special Assistant, Emy, as we develop this conversation!

Happy World Water Day!

Regards,

Juan Sabater (He/Him)

Special Assistant, Office of Water IO
U.S. Environmental Protection Agency
Cell: (202) 815-9919 | sabater.juan@epa.gov

From: Carlos Becerra <cabecerr@fiu.edu>
Sent: Monday, March 22, 2021 12:15 PM
To: Sabater, Juan <Sabater.Juan@epa.gov>
Cc: Tabitha "Alex" Fleming <flemingt@fiu.edu>
Subject: Re: Congratulations from FIU! / Invitation for EPA to present on the morning of April 6th

Happy Monday, Juan!

We would like to confirm our participants sometime this week. Would it be good to connect by phone tomorrow or Wednesday to think through whom makes the most sense from EPA?

Looking forward to having one of your colleagues at the table meet these university stakeholders and sharing some perspective (and getting input) on the Administration's priorities.

Glad to hop on the phone if that is helpful,

Carlos

Carlos A. Becerra

Florida International University
Office of Governmental Relations - Washington, D.C.

Mobile: (b) (6)
carlos.becerra@fiu.edu
washingtondc.fiu.edu
[@FIUdc](#)

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From: Carlos Becerra <cabecerr@fiu.edu>

Date: Wednesday, March 17, 2021 at 3:34 PM

To: "sabater.juan@epa.gov" <sabater.juan@epa.gov>

Cc: "Tabitha "Alex" Fleming" <flemingt@fiu.edu>

Subject: Congratulations from FIU! / Invitation for EPA to present on the morning of April 6th

Good afternoon, Juan:

Congrats again on the new role and exciting challenge. Of course, please count on us. We look forward to serving as a resource as you advance the administration's initiatives. Please find attached a letter from our President, Mark B. Rosenberg. We're not sure if you received it yet via snail mail, but just in case!

Also, along with our university partners who are members of both the [Association of Ecosystem Research Centers](#) (AERC) and leadership of the [North American Alliance of Hazards and Disasters Research Institutes](#) (NAAHDRI), we wanted to discuss with you incorporating a senior leader from the Environmental Protection in a brief seminar we are arranging on the morning of **April 6 from 9:00-11:00 a.m.** focused on Coastal Water Quality.

Considering the swift leadership being provided by President Biden and

the Administration, we wanted to provide EPA a chance to directly engage with these research leaders.

The larger program that morning is being convened to discuss solutions the federal government could consider when developing environmental priorities for preserving water quality and enhancing resilient infrastructure. So, we would envision an opportunity for someone from EPA to outline a few immediate priorities for the agency. It could be a stand-alone, or we could have them join a panel we are planning from 9:30-10:15am with some university researchers from around the country.

We expect to assemble between 40-50 leaders who are focused on water resources in the face of intensifying hazards due to storm surge, wind and sea level rise. Some students from FIU and each of the institutions would also be present.

Might we be able to hop on the phone in the next few days to discuss identifying someone from EPA participating that morning via zoom **on Tues. April 6th** near 10:00 a.m.?

Separately, we also want to see how we can introduce you to a group of 20 student leaders who are participating in a water/resilience seminar that week.

Finally, attached please find a summary of relevant FIU research, including how we are addressing the unprecedented threats of environmental change and [protecting our fragile coastal ecosystems](#) with data-driven solutions.

Once again, our congratulations on your new role. We're looking forward to work together as you advance your initiatives. If you have some time in the next day or two, we would love to discuss some options.

Sincerely,

Carlos

Carlos A. Becerra

Florida International University
Office of Governmental Relations - Washington, D.C.

Mobile: (b) (6)
carlos.becerra@fiu.edu
[@FIUdc](http://washingtondc.fiu.edu)

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From: [Sabater, Juan](#)
To: [Clarke, Victoria](#)
Subject: RE: Your New Entrant Report in INTEGRITY
Date: Wednesday, February 10, 2021 4:19:34 PM

Hi Victoria!

Will hopefully conquer the form today, so sorry for the delay!! Thank you for reaching out!

Regards,

Juan Sabater (He/Him)

Special Assistant, Office of Water IO

U.S. Environmental Protection Agency

Cell: (202) 815-9919 | sabater.juan@epa.gov

From: Clarke, Victoria <clarke.victoria@epa.gov>

Sent: Wednesday, February 10, 2021 4:18 PM

To: Sabater, Juan <Sabater.Juan@epa.gov>

Subject: Your New Entrant Report in INTEGRITY

Hi Juan!

This is Victoria from OGC Ethics. I wanted to quickly remind you that the due date for your New Entrant report is March 2. If you need any help with the New Entrant Report, please let me know – I'm your point of contact in OGC Ethics for any questions that you might have with respect to it.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

From: [Carroll, Timothy](#)
To: [Clarke, Victoria](#)
Cc: [Mercado Violand, Fernando](#)
Subject: RE: Briefing materials
Date: Monday, May 24, 2021 2:30:06 PM
Attachments: [Signed - Timothy Carroll Biden Ethics Pledge for digital signature.pdf](#)

Victoria, thank you so much for your patience with my tech issues earlier today, and thank you for the briefing!

Please find my signed ethics pledge attached.

Thanks!

Tim

From: Clarke, Victoria <clarke.victoria@epa.gov>

Sent: Monday, May 24, 2021 1:11 PM

To: Carroll, Timothy <Carroll.Timothy@epa.gov>

Subject: Briefing materials

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel | Ethics Office

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
2. *Revolving Door Ban — All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
 - (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
 - (b) participate in the specific issue area in which that particular matter falls; or
 - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.
5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.
6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.
7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. *Assent to Enforcement.* I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

Timothy Carroll

Digitally signed by Timothy Carroll
Date: 2021.05.24 13:58:43 -04'00'

5/24

21

Signature

Date

Name (Type or Print): Timothy Carroll

From: [Timothy Carroll](#)
To: [Clarke, Victoria](#)
Subject: Re: New Employee Ethics Briefing
Date: Monday, May 24, 2021 9:53:58 AM

Thank you! I think I'm all set up, and will be on at 1PM

Tim Carroll

(b) (6)

On May 24, 2021, at 9:42 AM, Clarke, Victoria <clarke.victoria@epa.gov> wrote:

Hi Tim, it may take a minute for you to get full access to your email on Monday. So, just in case, I want to make sure you have it in your personal account.

-----Original Appointment-----

From: Clarke, Victoria <clarke.victoria@epa.gov>

Sent: Friday, May 21, 2021 1:19 PM

To: Clarke, Victoria; Carroll, Timothy

Cc: Mercado Violand, Fernando; Harris, Sincere

Subject: New Employee Ethics Briefing

When: Monday, May 24, 2021 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Microsoft Teams Meeting

Greetings from OGC Ethics! We hear that you're joining us as a Schedule C, GS-13, which means you're going to need an ethics orientation! Please join me at 1 PM on Monday, May 24th, for your ethics briefing. Attached are the briefing materials we'll be using, which includes a digital copy of the Biden Pledge that you will be required to sign.

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

(b) (6) United States, Washington DC

Phone Conference ID: (b) (6)

[Find a local number](#) | [Reset PIN](#)

By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

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<mime-attachment.ics>

<Ethics Briefing Packet for Political Appointees.pdf>

From: [Fugh, Justina](#)
To: [Carroll, Timothy](#)
Subject: RE: OGE-278e Question from Tim Carroll
Date: Tuesday, June 1, 2021 3:03:00 PM

Hi,

This is tricky for me because EPA lacks any authority to accept volunteer services, so we don't see this sort of thing. Let me see ... you won't report the work in Part 2 because it was uncompensated and any reimbursement for expenses isn't reportable there, anyway. The question is whether it's reportable as a federal "position," and I think not because you were never an actual employee. And I don't see that it's reportable as a position held outside of government because it's as a volunteer for the US government. I've added a comment to your report to remind me to confirm with my staff that this info is not reportable at all. You don't report it, and I'll check with my staff to be sure my instinct is correct.

Justina

From: Carroll, Timothy <Carroll.Timothy@epa.gov>
Sent: Tuesday, June 01, 2021 2:42 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: OGE-278e Question from Tim Carroll

Hi Justina,

One more question and then I think I'll be ready to submit the OGE-278e.

(b) (6)

I'm not sure, because of the volunteer status of the role.

Thanks!

From: Carroll, Timothy
Sent: Thursday, May 27, 2021 3:39 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: OGE-278e Question from Tim Carroll

SO helpful, I appreciate you!!

Sent from my iPhone

On May 27, 2021, at 3:36 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi there,

Using my supergirl powers, I can peek at your report even though it's not yet submitted. I can see the stock ticker symbols for your underlying assets, but you really need to provide the full name for each. What's optional is to include the stock ticker symbol, which we love, but you can't omit the name itself. Also, if the value you have for any particular asset is less than \$1000, then you don't have to report it at all. Finally, yes, all of your assets in your (b) (6) are excepted investment funds. So here is what I expect to see for your report:

DESCRIPTION	EIF	VALUE	INCOME AMOUNT
(b) (6), (b) (3) (A) [REDACTED]	[REDACTED]	[REDACTED] [REDACTED]	[REDACTED] [REDACTED]
[REDACTED] [REDACTED]	[REDACTED]	[REDACTED] [REDACTED]	[REDACTED] [REDACTED]
[REDACTED] [REDACTED]	[REDACTED]	[REDACTED] [REDACTED]	[REDACTED] [REDACTED]

Hope that helps!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Carroll, Timothy <Carroll.Timothy@epa.gov>

Sent: Thursday, May 27, 2021 1:34 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: OGE-278e Question from Tim Carroll

Hi Justina,

Thanks again for your very helpful note on the ethics on-boarding obligations. I'm working through the OGE-278e form now and wanted to check that I am reporting my (b) (6) correctly before I submit.

Is it correct to say my (b) (6)

Thanks for your help thus far!

From: [Carroll, Timothy](#)
To: [Fugh, Justina](#)
Cc: [ethics](#)
Subject: Re: Recusal Question - Tim Carroll
Date: Friday, July 2, 2021 4:33:45 PM

Amazing, thank you!!

On Jul 2, 2021, at 3:21 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi Tim,

Oh, what a good question! You've remembered from your initial ethics training that you may have recusal issues with your former employers and that, usually, that definition goes back two years from the date you started at EPA. Given your effective date, we look for any "former employers" under the pledge since 5/23/19. But please note that the Biden ethics pledge *excludes* state and local governments from the definition of "former employer." Next we consider whether you've got a recusal issue under the impartiality standards, and you do not. That rule looks back just one year from when you left, which you indicate was August 2019. Therefore, your recusal period with Detroit under impartiality ended in August 2020. Therefore, you may interact freely with Detroit on behalf of the EPA for the upcoming trip to Michigan.

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Carroll, Timothy <Carroll.Timothy@epa.gov>

Sent: Friday, July 02, 2021 2:19 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Cc: ethics <ethics@epa.gov>

Subject: Recusal Question - Tim Carroll

Hi Justina and Ethics Office!

Checking in with a recusal question. I'm working on the Administrator's upcoming trip to Michigan, and the team is now looking at planning a press conference and tour hosted by the City of Detroit at one portion of the trip.

I worked for the Mayor's Office in the City of Detroit from Feb. 2017 to Aug. 2019.

Would I need to recuse myself from working on anything in partnership with the Mayor's Office/City? Any other precautions or actions I should take here?

Very much appreciate your guidance and help here!

Tim Carroll (he/him)

Deputy Press Secretary

Environmental Protection Agency

202-384-7510 (mobile)

From: [Timothy Carroll](#)
To: [Fugh, Justina](#)
Subject: Re: Your ethics obligations at EPA (yes, already!)
Date: Wednesday, May 19, 2021 11:23:22 AM

Justina, thank you for this email! I will begin working through this reporting this week, and reach out with any questions.

Thanks!
Tim

On Mon, May 17, 2021 at 10:56 PM Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi there,

Welcome to EPA and the wonderful world of public financial disclosure reporting! I understand that you will soon start as Deputy Press Secretary in the Office of Public Affairs, which is a Schedule C position. Congratulations! Given your type of appointment, you are required by the Ethics in Government Act of 1978 to file the Public Financial Disclosure.

DEADLINE FOR SUBMITTING THE REPORT

Technically, your "new entrant" report is due no later than 30 days from the date you start at EPA, which is expected to be May 23, so your due date will be 6/22/21. If you need additional time, you must contact ethics@epa.gov before your deadline expires. There is a limit to how much additional time we can give you, and we can't grant any extension after the fact.

THE FINANCIAL DISCLOSURE REPORT, OGE-278e

EPA uses an electronic filing system (called INTEGRITY) for the public financial disclosure reports that is operated and secured by the U.S. Office of Government Ethics (OGE). You are required by law to complete the form, and we will use it to determine whether you have any financial conflicts of interest or other ethics concerns.

We created an account for you in INTEGRITY and have assigned you a "new entrant" report. Your filer category is "Schedule C" and your filer status is "full time." For help in INTEGRITY, check out the OGE [Public Financial Disclosure Guide](#). The email from INTEGRITY.gov will provide you with specific instructions to log into the federal government's max.gov site, the gateway to INTEGRITY. Check your clutter box for messages from INTEGRITY.gov and if you don't see it in the next day or so, contact ethics@epa.gov.

There are several important things to know about the OGE-278e: (1) it is a public form (which means that anyone can ask for a copy of your form, but Congress repealed the requirement for public posting to the internet); (2) you have to fill it out every year you are in this position; (3) when you leave the position, you have to file a termination report (so remember to notify us); (4) you will be subject to a late filing fee of \$200 for not filing your report timely. There are also civil and criminal penalties for failure to file at all or for inaccurate reporting.

REQUIREMENT TO ANSWER ANY FOLLOW UP QUESTIONS WITHIN 14 DAYS

We will review your report as quickly as possible. If we have any questions, then we will notify you. At that point, you will have 14 calendar days to respond and resubmit your report back to us with any necessary changes.

REPORTING TRANSACTIONS

While you are in this position, you are a public financial disclosure filer who is subject to the Ethics in Government Act as amended by the STOCK Act. You are required to report any purchase, sale or exchange of stocks, bonds, commodities futures or other forms of securities when the amount of the transaction exceeds \$1000. Use INTEGRITY to disclose reportable transactions within 30 days of receiving notification of the transaction, but not later than 45 days after the transaction occurs. You will have to report transactions that occur within brokerage accounts, managed accounts, or other investment vehicles that you own or jointly own with your spouse or another person, as well as transactions of your spouse or dependent children. For a comprehensive review of reportable transactions, see [EPA Ethics Advisory 2012-03](#) and our revised attached chart. Remember, you are responsible for reporting transactions, even if you have a managed account, and you will be fined for a tardy periodic transaction report.

YES, YOU CAN BE FINED FOR NOT FILING PROMPTLY

It's worth repeating that you can be fined \$200 for not meeting the submission deadline (and you still have to file that report). PLEASE pay attention to your filing requirements! If you need an extension, then you must ask before your deadline expires. There is a limit to how much additional time you may receive.

HELPFUL HINTS FOR FILLING OUT THE FORM

- This is a wretched and exacting form, so just know that you will have to provide a lot of information.
- You will get three different places to report assets: filer's employment-

related assets and income, spouse's employment related assets and income, and other assets and income. You must report assets for yourself, your spouse and any dependent children. We don't really care where you report your assets, just that you do report them all someplace.

- You must include any investment asset that is worth more than \$1000. Include any income from any source that exceeded \$200 during the reporting period (including outside jobs or hobbies, rental income). Include any cash/savings accounts that have more than \$5000.
- Enter each asset separately. Don't lump items together on one line. Be sure to provide the valuation of the asset AND the amount of the income. For assets that aren't mutual funds, you also have to report the type of income (e.g., dividends, cap gains).
- For 401(k) or IRA plans, provide the name of each of the underlying assets. Don't just write "Vanguard IRA" or "mutual fund." You must specify each asset separately and give the valuation but, for these assets in tax deferred instruments, you do not need to provide the amount of income accrued.
- Do not report your federal salary, your spouse's federal salary, or Thrift Savings Plan information
- If you (not your spouse) have any earned income (e.g., outside job, paid pension), you have to report the actual amount of that income.
- If your spouse works outside of federal service, then include your spouse's employer but not the amount of your spouse's salary. If you are not legally married, do not report your significant other's employer.
- Don't forget to include any life insurance policies (whole life or variable life) as well as the underlying investments. Do not report term life insurance.
- If you have nothing to report in a section, be sure to click the "nothing to report" button
- Remember to check out the Office of Government Ethics' [Public Financial Disclosure Guide](#) or to contact OGC/Ethics for help.

OTHER ETHICS REQUIREMENTS FOR YOU

HATCH ACT

You are "lesser restricted" under the Hatch Act. During your new employee orientation, the

ethics staff will go over the Hatch Act, which governs the political activity of government employees. For a refresher, you can familiarize yourself with the Hatch Act as it affects you by reviewing our online [Hatch Act training course](#) or check out our attached handy chart that reminds you of your restrictions.

ETHICS TRAINING

As a public financial disclosure filer, you must take one hour of ethics training this year. The new employee training you will have with OGC/Ethics meets your annual training requirement for this year. Next year, you will take the annual training online.

If you have any questions regarding this message or your obligations, then please contact me directly or anyone in the OGC Ethics Office at ethics@epa.gov. We'll be happy to assist you.

Cheers,
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Fugh, Justina](#)
To: [Carroll, Timothy](#)
Subject: your disclosure report
Date: Thursday, June 3, 2021 11:44:00 PM

Hi Tim,

Thanks for tackling your form but I've returned it to you. I deleted your car (that's not reportable) but need you to:

- (b) (6), (b) (3) (A) [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]

Once you return the report to me (remember to actually submit it back, not just look at it), then I will take steps to change your user ID from your personal email address to your EPA email address instead.

Justina

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From: [Hamilton, Lindsay](#)
To: [Fugh, Justina](#)
Subject: FW: Planet Forward Request
Date: Wednesday, February 17, 2021 10:28:02 AM

Per our discussion yesterday, forwarding this to you.

Thanks!

Lindsay

From: Hamilton, Lindsay
Sent: Friday, February 12, 2021 9:00 AM
To: Levy, Maxwell <Levy.Maxwell@epa.gov>
Subject: Planet Forward Request

Hi Max,

For the Planet Forward/GW request, please remove me from future communications and any decision-making process.

Nick Conger, our Press Secretary, or Maria Michalos, our speechwriter, can engage on behalf of OPA.

Thanks!

Lindsay

Lindsay Hamilton

Associate Administrator, Public Affairs

Environmental Protection Agency

Hamilton.Lindsay@epa.gov

202-510-3515 (mobile)

[Newsroom](#) | she/her

From: [Fugh, Justina](#)
To: [Hamilton, Lindsay](#)
Subject: RE: Follow-Up Call?
Date: Friday, January 22, 2021 11:39:00 PM

Hi Lindsay,

Oh, sorry, I usually work late but not today. I've got to (b) (6) Monday morning but will be back by noon if you want to call anytime in the afternoon. Otherwise, feel free to call over the weekend. I really don't mind at all!

Cheers,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Hamilton, Lindsay <Hamilton.Lindsay@epa.gov>

Sent: Friday, January 22, 2021 5:46 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: RE: Follow-Up Call?

Hi Justina,

Sorry I missed earlier windows. I'd be happy to call if you are still around, but also it's Friday night so I am equally happy to call you on Monday if you prefer.

Thanks!

Lindsay

From: Fugh, Justina <Fugh.Justina@epa.gov>

Sent: Friday, January 22, 2021 2:39 PM

To: Hamilton, Lindsay <Hamilton.Lindsay@epa.gov>

Subject: RE: Follow-Up Call?

Hi,

I'm your contact on the team and free today (well, no meetings) other than from 3:30 to 4. My land line at home has the best reception, so feel free to call me at (b) (6) whenever you're free.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Hamilton, Lindsay <Hamilton.Lindsay@epa.gov>

Sent: Friday, January 22, 2021 1:59 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Follow-Up Call?

Hi Justina,

Great training the other day! Your examples were illuminating and entertaining.

I had a couple of follow-up questions, mostly related to understanding the rules of engagement with former employers.

Could I schedule 15 minutes with you or one of your team members at your convenience?

Thanks so much,
Lindsay

From: [Hamilton, Lindsay](#)
To: [Fugh, Justina](#)
Subject: Re: Gift Question
Date: Wednesday, May 19, 2021 9:52:39 PM

This is super helpful as always, thanks Justina!

I will make sure to toast my colleague appropriately.

Sent from my iPhone

On May 19, 2021, at 8:46 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi Lindsay,

Because my team and I work solely on ethics issues, you will never have a question that doesn't interest us. In federal ethics, there is actually a difference between gifts from outside sources and gifts between employees. Federal ethics regulations at 5 CFR Part 2635, Subpart B, govern gifts from outside sources, and that's where you see the \$20 limit (except, for you as a political appointee, that limit doesn't apply to you if the donor is a federally registered lobbyist). To check out the rules for gifts between employees, you have to go to 5 CFR Part 2635, Subpart C, and you'll see that usual limit is \$10. You can't give a gift worth more than \$10 to someone who is your boss or who makes more money than you, and you can't accept a gift of more than \$10 from a subordinate or someone who makes less than you. 5 CFR 2635.302.

There is, however, an exception at 5 CFR 2635.304(b) for "special, infrequent occasions" such as a wedding, birth or adoption. So long as the event does not recur annually (like an anniversary or a holiday), then the usual prohibitions do not apply. You may give a gift "appropriate to the occasion" to a boss or someone who makes more money than you, and you may accept a gift "appropriate to the occasion" from a subordinate or someone who makes less money than you.

So the answer to your question is that you all may give a gift exceeding \$10 to the bride-to-be, but you still must follow these rules:

- Someone may collect contributions and may also use the EPA email for this limited solicitation since it's not for a charity but rather for an individual employee; and
- You as the supervisor (or any other supervisor) cannot make the request of

others for contributions. For a supervisor to ask for donations is inherently coercive.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Hamilton, Lindsay <Hamilton.Lindsay@epa.gov>

Sent: Wednesday, May 19, 2021 5:48 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Gift Question

Hi Justina,

I wanted to check-in about rules around EPA gifts to other EPA staff.

One of my team members (direct report to me) is getting married. I'd love to do something nice for her and others have expressed an interest in going in on a gift.

I have googled this question and it appeared that there might be a limit of \$20/person, but I can't easily tell if that's the latest/greatest guidance. Would you be able to inform or direct me?

Sorry to bug you with one that seems a bit trivial and please know that it's not an urgent question.

Thanks so much,
Lindsay

Lindsay Hamilton
Associate Administrator, Public Affairs
Environmental Protection Agency
Hamilton.Lindsay@epa.gov
202-510-3515 (mobile)
[Newsroom](#) | she/her

From: [Fugh, Justina](#)
To: [Lindsay Hamilton](#)
Subject: RE: Greetings form the EPA Ethics Office!
Date: Thursday, January 14, 2021 10:19:00 PM

Hi Lindsay,

If your EPA start date is within 31 days of when you filled out the form, then you will not have to update that information.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Lindsay Hamilton (b) (6)
Sent: Thursday, January 14, 2021 5:56 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Greetings form the EPA Ethics Office!

Hi Justina,

Thanks for working through the disclosure with me.

Quick question - will I need to update this re: salary and if any other changes regarding bank account levels to make it current as of 1/20?

Thanks!

Lindsay

On Tue, Jan 12, 2021 at 11:08 PM Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi Lindsay,

Oh, I can tell that you're an early morning person, and you can probably tell that I'm a late night person. Thanks for reviewing my comments and for making those adjustments. Based on your form and the information below, you are not going to present any financial conflict issues at all.

What's left for your recusal statement will be whatever restrictions may be included in a Biden ethics pledge. At a minimum, under the federal ethics rules, you will not be permitted to work on any specific party matter with Rockefeller Philanthropy Advisor, Climate Nexus for one year unless you first obtain a written impartiality determination from an ethics official. During the Obama Administration, that "cooling off" period was extended for a second year and extended to attending any meetings at which Rockefeller Philanthropy Advisor, Climate Nexus is present unless the subject of the meeting was a matter of general applicability and open to the public.

You don't need to fret over this language; we don't yet know what a Biden ethics pledge will say. Besides, my staff and I are here to explain the rules to you, whatever they are, after you come on board.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Lindsay Hamilton (b) (6)

Sent: Tuesday, January 12, 2021 6:33 AM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Re: Greetings from the EPA Ethics Office!

Thanks Justina, I'm so glad you can see the form already because that was indeed rather challenging. Responses in bold below.

- I added (b) (6) to your entries in Part 2, lines 3, 4 and 5 - **Thank you!**
- Please confirm that, for the (b) (6), you reported your gross salary from 1/1/2020 through 1/11/2021. **No - I messed this up. Throughout the form I saw reporting periods of current and preceding calendar year and current and TWO preceding calendar years and I was confused by this. So my salary information went back two years. I have now updated it to reflect my 2020-today salary only and removed (b) (6) information.**
- (b) (6) If so, then why are you reporting a salary from them on Part 2? The reporting period for that part is only the preceding calendar year (2020) plus this calendar year (2021). **Sorry! Detailed above. Should be fixed now.**
- What is your spouse's current employer? (b) (6)
(b) (6)
(b) (6)
(b) (6)
(b) (6)
(b) (6)
(b) (6)
- For recusal purposes:
 - what is the likelihood that your spouse will be working on EPA related matters? **Extremely unlikely, he never has in the past.**
 - What is the exact value of your (b) (6)? The regulatory exemption level is for working on specific party matters is \$15K, so we want to know how close you are to that threshold. (b) (6)
 - What is the exact value of your (b) (6)? The regulatory exemption level is for working on specific party matters is \$15K, so we want to know how close you are to that threshold. (b) (6)
 - What is the exact value of your (b) (6)? The regulatory exemption level is for working on specific party matters is \$15K, so we want to know how close you are to that threshold. (b) (6)
 - You reported owning (b) (6), so what is the combined value of the stock in that company? Again, we need to consider how close you are to any regulatory threshold. (b) (6)
 - Also, if you own stock exceeding \$25,000 in the same industrial sector (and I'm not saying yet that you do), you can't work on particular matters of general

applicability, so that's another reason for my intrusive questions. **Stock investments total:** (b) (6)

- Please confirm that you don't have any (b) (6)

Confirmed, I do not have these

On Tue, Jan 12, 2021 at 12:11 AM Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi there,

Thanks for tackling the form! Even though you can't yet submit it, I can see it and edit it from my end. You did a really good job! We always have a number of pesky questions and comments, so I might as well start now:

- I added (b) (6) to your entries in Part 2, lines 3, 4 and 5
- Please confirm that, for the (b) (6), you reported your gross salary from 1/1/2020 through 1/11/2021.
- (b) (6) If so, then why are you reporting a salary from them on Part 2? The reporting period for that part is only the preceding calendar year (2020) plus this calendar year (2021).
- What is your spouse's current employer? (b) (6)
(b) (6)
(b) (6)
(b) (6)
(b) (6)
- For recusal purposes:
 - what is the likelihood that your spouse will be working on EPA related matters?
 - What is the exact value of your (b) (6)? The regulatory exemption level is for working on specific party matters is \$15K, so we want to know how close you are to that threshold.
 - What is the exact value of your (b) (6)? The regulatory exemption level is for working on specific party matters is \$15K, so we want to know how close you are to that threshold.
 - What is the exact value of your (b) (6)? The regulatory exemption level is for working on specific party matters is \$15K, so we want to know how close you are to that threshold.
 - You reported owning (b) (6), so what is the combined value of the stock in that company? Again, we need to consider how close you are to any regulatory threshold.
 - Also, if you own stock exceeding \$25,000 in the same industrial sector (and I'm not saying yet that you do), you can't work on particular matters of general applicability, so that's another reason for my intrusive questions.
 - Please confirm that you don't have any (b) (6)

(b) (6)

Thanks for taking the time to fill out the form!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Lindsay Hamilton (b) (6)

Sent: Monday, January 11, 2021 10:11 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Re: Greetings form the EPA Ethics Office!

Hi Justina,

I completed the financial disclosure and am prepared to submit it as of my appointment date (it wouldn't allow me to proceed until then).

Thanks,

Lindsay

On Mon, Jan 11, 2021 at 7:27 AM Lindsay Hamilton (b) (6) wrote:

Hi Justina,

Thanks so much for all of this information. I received the form from Integrity.gov and will get started right away.

Lindsay

On Jan 10, 2021, at 11:35 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi there,

My name is Justina Fugh, and I'm the Director of the EPA Ethics Office. I understand from Sinceré Harris that you will be joining EPA on or about 1/20/21 as a non-career SES appointee in the position of Associate Administrator for Public Affairs. Congratulations! Given this type of appointment, you are required by the Ethics in Government Act of 1978 to file the Public Financial Disclosure Report. I have already assigned that report to you, so that will explain the message from [integrity.gov](https://www.integrity.gov).

I'm sorry to introduce myself by email, but we want to encourage you to complete the financial disclosure report as soon as possible. What follows is a long, chatty email with tons of information. I will soon reach out to you to start the conversation about your ethics obligations, including possible recusals issues given your current employment. We really are here to help you.

DEADLINE FOR SUBMITTING THE REPORT

Technically, your “new entrant” report is due no later than 30 days from your effective date at EPA or 2/19/21. If you need additional time, you must contact ethics@epa.gov before your deadline expires. There is a limit to how much additional time we can give you, and we can’t grant any extension after the fact.

THE FINANCIAL DISCLOSURE REPORT, OGE-278e

EPA uses an electronic filing system (www.INTEGRITY.gov) for the public financial disclosure reports that is operated and secured by the U.S. Office of Government Ethics (OGE). You are required by law to complete the form, and we will use it to determine whether you have any financial conflicts of interest or other ethics concerns.

We created an account for you in INTEGRITY and have assigned you a “new entrant” report. Your filer category is “non career SES” and your filer status is “full time.” We have pre-populated the address field with EPA’s address because, well, this is a public form and we don’t want anyone to know your personal address. For help in INTEGRITY, check out the OGE [Public Financial Disclosure Guide](#). The email from INTEGRITY.gov will provide you with specific instructions to log into the federal government’s max.gov site, the gateway to INTEGRITY. If you didn’t receive your account notification, then check your clutter box for messages from INTEGRITY.gov, or contact ethics@epa.gov.

There are several important things to know about the OGE-278e: (1) it is a public form (which means that anyone can ask for a copy of your form, but Congress repealed the requirement for public posting to the internet); (2) you have to fill it out every year you are in this position; (3) when you leave the position, you will have to file a termination report; and (4) you will be subject to a late filing fee of \$200 for not filing your report timely.

REQUIREMENT TO ANSWER ANY FOLLOW UP QUESTIONS WITHIN 14 DAYS

We will review your report as quickly as possible. If we have any questions, then we will notify you. At that point, you will have 14 calendar days to respond and resubmit your report back to us with any necessary changes.

REPORTING TRANSACTIONS

While you are in this position, you are a public financial disclosure filer who is subject to certain additional requirements of the Ethics In Government Act as amended by the STOCK Act. You will be required to report any purchase, sale or exchange of stocks, bonds, commodities futures or other forms of securities when the amount of the transaction exceeds \$1000.

Use INTEGRITY to disclose reportable transactions within 30 days of receiving notification of the transaction, but not later than 45 days after the transaction occurs. You will have to report transactions that occur within brokerage accounts, managed accounts, or other investment vehicles that you own or jointly own with your spouse or another person, as well as transactions of your spouse or dependent children. We will go

over this requirement during your initial ethics training, but I've also attached our reminder about late fees and when to report transactions. Remember, you are responsible for reporting transactions, even if you have a managed account, and you will be fined for a tardy periodic transaction report.

YES, YOU CAN BE FINED FOR NOT FILING PROMPTLY

It's worth repeating that you can be fined \$200 for not meeting the submission deadline (and you still have to file that report). PLEASE pay attention to your filing requirements! If you need an extension, then you must ask before your deadline expires. There is a limit to how much additional time you may receive.

HELPFUL HINTS FOR FILLING OUT THE FORM

- This is a wretched and exacting form, so just know that you will have to provide a lot of information.
- You will get three different places to report assets: filer's employment-related assets and income, spouse's employment related assets and income, and other assets and income. You must report assets for yourself, your spouse and any dependent children. We don't really care where you report your assets, just that you do report them all someplace.
- You must include any investment asset that is worth more than \$1000. Include any income from any source that exceeded \$200 during the reporting period (including outside jobs or hobbies, rental income). Include any cash/savings accounts that have more than \$5000.
- Enter each asset separately. Don't lump items together on one line. Be sure to provide the valuation of the asset AND the amount of the income. For assets that aren't mutual funds, you also have to report the type of income (e.g., dividends, cap gains).
- For 401(k) or IRA plans, provide the name of each of the underlying assets. Don't just write "Vanguard IRA" or "mutual fund." You must specify each asset separately and give the valuation but, for these assets in tax deferred instruments, you do not need to provide the amount of income accrued.
- Do not report your federal salary, your spouse's federal salary,

or Thrift Savings Plan information

- If you (not your spouse) have any earned income (e.g., outside job, paid pension), you have to report the actual amount of that income.
- If your spouse works outside of federal service, then include your spouse's employer but not the amount of your spouse's salary. If you are not legally married, do not report your significant other's employer.
- Don't forget to include any life insurance policies (whole life or variable life) as well as the underlying investments. Do not report term life insurance.
- If you have nothing to report in a section, be sure to click the "nothing to report" button
- The various parts of the form have different reporting periods, so please consult the attached "reporting periods" chart. Remember to check out the Office of Government Ethics' [Public Financial Disclosure Guide](#) or to contact OGC/Ethics for help. We know this is a beast of a form, so we really are here to help you.

OTHER ETHICS REQUIREMENTS FOR YOU

HATCH ACT

As a federal employee, you will be "lesser restricted" under the Hatch Act. During your new employee orientation, the ethics staff will go over the Hatch Act, which governs the political activity of government employees. For a refresher, you can familiarize yourself with the Hatch Act as it affects you by reviewing our attached handy chart.

ETHICS TRAINING

As a public financial disclosure filer, you must take one hour of ethics training this year. The new employee training you will have with the ethics staff meets your annual training requirement for this year. Next year, you will take the annual training online.

If you have any questions regarding this message or your obligations, then please let me know.

Cheers,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

<Advisory to all 278 filers about filing fee.pdf>

<reporting periods for 278s.docx>

<When to Report Transactions on the OGE 278 and Part 7 - November 2020.docx>

<Hatch Act chart Sept 2020.docx>

From: [Fugh, Justina](#)
To: [Hamilton, Lindsay](#)
Subject: RE: More Ethics Questions
Date: Tuesday, May 25, 2021 4:54:00 PM

Sure. I'm still on the clock now if that works for you.

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Hamilton, Lindsay <Hamilton.Lindsay@epa.gov>
Sent: Tuesday, May 25, 2021 4:36 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: More Ethics Questions

Hi Justina,

Any chance I could get 15 minutes with you to check-in on some ethics questions?

Nothing major, I don't think!

Thanks,
Lindsay

Lindsay Hamilton
Associate Administrator, Public Affairs
Environmental Protection Agency
Hamilton.Lindsay@epa.gov
202-510-3515 (mobile)
[Newsroom](#) | she/her

From: [Fugh, Justina](#)
To: [Hamilton, Lindsay](#)
Subject: RE: Quick Question(s)
Date: Tuesday, February 16, 2021 2:30:00 PM

Hi Lindsay,

Sorry for the delay, but my computer crashed this morning (GRR!) and I'm trying to recover. I'll be free after 3:30 for the rest of the day, so when works for you?

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Hamilton, Lindsay <Hamilton.Lindsay@epa.gov>
Sent: Tuesday, February 16, 2021 6:56 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Quick Question(s)

Hi Justina,

Would you have five minutes sometime soon for a quick question? Actually, I think I have two questions, but I standby the five minutes estimate.

Thanks!

Lindsay

Lindsay Hamilton

Associate Administrator, Public Affairs

Environmental Protection Agency

Hamilton.Lindsay@epa.gov

202-510-3515 (mobile)

[Newsroom](#) | she/her

From: [Hamilton, Lindsay](#)
To: [Fugh, Justina](#)
Cc: [Clarke, Victoria](#); [Mosley, Ferne](#); [Payne, JamesJ](#); [Grantham, Nancy](#)
Subject: RE: REMINDERS from the EPA Ethics Office
Date: Friday, December 3, 2021 4:42:57 PM

Thank you, Justina.

Apologies for not consulting you in advance and I will ensure we do so in the future should we do a similar event. That was my error.

Thank you for the guidance you've provided below. We will receive and screen questions in advance, that was always a part of our plan, and to ensure they do not violate the Hatch Act I will gladly consult with the ethics office. Please look out for those on Tuesday. I will also provide the guidance you outline below in writing to the Senator's office, and to the Administrator in advance of the event. For your awareness, there will be no real-time chat or questions.

Apologies again, and thank you for reaching out right away!

Lindsay

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Friday, December 3, 2021 4:28 PM
To: StaffQuestions <StaffQuestions@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>; Mosley, Ferne <mosley.ferne@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>
Subject: REMINDERS from the EPA Ethics Office

Hi there,

EPA Ethics was not previously consulted about inviting Senator Carper. From a Hatch Act perspective, it is certainly permissible for an incumbent Senator to speak to EPA employees, but he cannot advocate for or against any candidate for partisan election, any political party or any political group. Therefore, for the EPA All Hands meeting with Senator Tom Carper, please remember that all EPA employees are also bound by the Hatch Act. Because this event takes place on government time, with government equipment and under the aegis of the US EPA, it is imperative that you do not ask or share any questions that violate the Hatch Act! In fact, I strongly recommend that someone from my staff reviews the questions *before they are posed to Senator Carper* first.

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Hamilton, Lindsay](#)
To: [Fugh, Justina](#)
Cc: [Conger, Nick](#)
Subject: Re: SEJ follow up/ speaker request
Date: Friday, February 19, 2021 6:31:28 AM

Thanks so much, Justina!

Sent from my iPhone

On Feb 18, 2021, at 10:56 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi Lindsay and Nick,

You're asking whether you may, as part of official duty, speak to this particular entity. Since I'm already fond of you both, I'll reveal the hidden secret of my ethics analysis:

- Any recusal issues?
 - ANSWER: Nope. Because you both signed the Biden ethics pledge, you can't participate as part of your official duties in any specific party matter in which your former employer/former client over the past two years is a party or represents a party. For Lindsay, her recusal list is GWU and Rockefeller Philanthropy Advisors, while Nick's is just the Caney Fork River Company. Neither of you is recused from speaking to the Society of Environmental Journalists.
- Any Hatch Act issues?
 - ANSWER: Nope. The SEJ is not a partisan group.
- Any other issues?
 - ANSWER: Nope. This particular entity is a 501(c)(3) organization and its mission is directly related to your roles at EPA.

Bottom line is that I don't see any ethical reason for you not to speak to this entity. That said, if they want you to sign some sort of licensing agreement or speakers' release form, then you'll need to consult with Scott Albright in OGC's intellectual property office because he reviews that sort of thing.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Hamilton, Lindsay <Hamilton.Lindsay@epa.gov>
Sent: Thursday, February 18, 2021 3:05 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Conger, Nick <Conger.Nick@epa.gov>
Subject: FW: SEJ follow up/ speaker request

Hi Justina,
Nick Conger and I have been invited to speak to the Society of Environmental Journalists.

I wanted to make sure I followed any proper procedure regarding speaking requests and Nancy suggested I email you. This would be a virtual, on the record event.

Let me know if you have any questions.

Thanks,
Lindsay

From: Sadie Babits <(b) (6)>

Sent: Tuesday, February 16, 2021 1:07 PM

To: Hamilton, Lindsay <Hamilton.Lindsay@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>

Subject: SEJ follow up/ speaker request

Hi Lindsay,

As we discussed in our Teams chat Wednesday (Feb. 10), SEJ would like to invite you and Nick to participate in an hour-long online conversation. We'd like you to share with SEJ members your philosophy and plans for improving press relations at EPA. We'd also like to share with you the importance to journalists and the public of reporters having ready, uncensored access to EPA scientists, program managers and other subject matter experts.

As for format, we'd suggest one of two options, though we're open to discussing others:

1) A "listening session," in which you'd give some brief opening remarks and then we'd throw it open for attendees to pose questions or make brief comments. Those would be moderated, with an SEJ representative selecting speakers and unmuting them, or having the questions and comments submitted in writing via chat or Q&A windows, then selected and read out by moderators.

2) A "talk show," in which you'd make brief opening remarks, and then field questions. The first 20-25 minutes would be Q&A with either a moderator or panel of SEJ-member questioners. The rest of the hour would be devoted to fielding questions and comments -- again, moderated -- from online attendees. As before, those could either be posed by unmuting the attendee or having the questions or comments submitted in writing in a chat or Q&A window.

In either case, the discussion would be limited to media relations and access issues. Also, it would be "on the record," recorded and posted online afterward.

Recognizing the challenges you mentioned to scheduling this in the next few weeks, we'd like to suggest a date in the 2nd or 3rd week of March. (FWIW, March 14-20 happens to be [Sunshine Week](#), the annual nationwide celebration of the people's right to know what their government is doing and why.)


Please don't hesitate to call or email if you have questions, suggestions or concerns. I look forward to continuing the conversation we started!

Best wishes,
Sadie

--

Sadie Babits
SEJ Board President
Journalist/ Editor/ Professor
Phoenix, AZ

(b) (6)

A large black rectangular redaction box covers the majority of the top-left portion of the page, obscuring any text or graphics that might have been present.

From: [Hamilton, Lindsay](#)
To: [Fugh, Justina](#)
Subject: RE: Two Questions
Date: Friday, April 9, 2021 5:53:59 PM

Thank you, Justina!

Super helpful, can manage accordingly.

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Friday, April 9, 2021 5:36 PM
To: Hamilton, Lindsay <Hamilton.Lindsay@epa.gov>
Subject: RE: Two Questions

Hi Lindsay,
Always happy to hear from you!

1. When I get an incoming contact from a former colleague (last two years kind), is there a proper way to handle or refer it? Example – an incoming scheduling request, sent only to me at my work email address.

JUSTINA: We need to differentiate between an inquiry from your one of your former employers over the past two years (Climate Nexus and GWU) or just someone you happen to know through your prior work. If the inquiry comes from your former employer, and presumably it's for the Administrator, then you may either: (a) respond to the sender only to say that you are recused and direct him/her to the correct email address instead, or (b) you may yourself forward the email to the appropriate address but take further action. I understand from Jennie Keith, who sits in on the Tuesday scheduling meetings, that you perfectly recused yourself when a meeting involving one of your former employers was raised. Jennie was so impressed that she called me afterwards! If you feel bad about dising a former colleague, then I can write to the person to explain, briefly, the ethics rules.

2. Janet McCabe's current employer is planning to put out a statement congratulating her with a quote from her should she be confirmed. It would be issued post-confirmation and prior to her starting. I can't think of an issue there, but out of an abundance of caution, wanted to check with you.

JUSTINA: Oh this is interesting because of the timing. (b) (5)

[REDACTED]

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Hamilton, Lindsay <Hamilton.Lindsay@epa.gov>

Sent: Friday, April 09, 2021 5:02 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Two Questions

Hi Justina,

I hope you're doing very well.

I'm writing with two questions:

1. When I get an incoming contact from a former colleague (last two years kind), is there a proper way to handle or refer it? Example – an incoming scheduling request, sent only to me at my work email address.
2. Janet McCabe's current employer is planning to put out a statement congratulating her with a quote from her should she be confirmed. It would be issued post-confirmation and prior to her starting. I can't think of an issue there, but out of an abundance of caution, wanted to check with you.

Thanks so much,

Lindsay

Lindsay Hamilton
Associate Administrator, Public Affairs
Environmental Protection Agency
Hamilton.Lindsay@epa.gov
202-510-3515 (mobile)
[Newsroom](#) | she/her

ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
2. *Revolving Door Ban — All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
 - (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
 - (b) participate in the specific issue area in which that particular matter falls; or
 - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.
5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.
6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.
7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. *Assent to Enforcement.* I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

Hamilton, Lindsay Digitally signed by Hamilton, Lindsay

Date: 2021.01.26 20:49:01 -05'00'

Signature

_____, 20____
Date

Name (Type or Print): _____

From: [Fugh, Justina](#)
To: [Harris, Sincere](#); [Utech, Dan](#); [Cassady, Alison](#); [Hoffer, Melissa](#); [Hamilton, Lindsay](#); [Chaudhary, Dimple](#); [Adhar, Radha](#); [Fox, Radhika](#); [Enobakhare, Rosemary](#); [Fine, Philip](#); [Katims, Casey](#); [Arroyo, Victoria](#); [Lucey, John](#); [Goffman, Joseph](#); [Carbonell, Tomas](#)
Cc: [OGC Ethics](#); [Payne, James \(Jim\)](#)
Subject: your ethics obligations ... briefing materials, references and the pledge
Date: Friday, January 22, 2021 2:05:08 PM
Attachments: [Biden Ethics Pledge for digital signature.pdf](#)
[Ethics Briefing Packet for Political Appointees.pdf](#)

Hi there,

Thank you all for attending your initial ethics briefing on Thursday, January 21, 2021. All of us in OGC/Ethics appreciate your attentiveness and interest. Attached is the briefing material we promised you that includes information about your transaction reporting obligations, the form to use for notification of negotiation for non-federal employment, a handy Hatch Act chart, and a one-pager on embedding ethics in your calendaring process. The packet also includes a pdf of the Biden Executive Order on "Ethic Commitments" for your reference. And I have attached separately the Biden Ethics Pledge for you to sign digitally and return to ethics@epa.gov.

So what about your financial disclosure report? Well, I'm not ready for you to work on that if you haven't yet started. I need to set up new accounts for you using your EPA email addresses, then will send you a new email with instructions. I know that some of you already started your reports that were assigned to your personal email address, which is fine. That information is saved and will be transferred over to your new accounts under your EPA email addresses. Try to find something to occupy your time over the next day or so (ha!), and then you can spend a leisurely and frustrating time with the public financial disclosure report a bit later, once you get the email from me. Each of you will have a contact on the OGC/Ethics team to help you navigate your form and any ethics concerns you may have. Our contact information is included on the first page of your briefing material. We are all always just a call or an email away.

Happy Friday!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Ethics Briefing

1. The Ethics Program at the Environmental Protection Agency

You have ethics officials in the Office of General Counsel who can assist you:

Jim Payne Designated Agency Ethics Official (202) 564-0212 payne.james@epa.gov	
Justina Fugh Alternate Agency Ethics Official and Director of Ethics Office (202) 564-1786 fugh.justina@epa.gov	
Shannon Griffo Ethics Attorney (202) 564-7061 griffo.shannon@epa.gov	Margaret Ross Ethics Officer (202) 564-3221 ross.margaret@epa.gov
Jennie Keith Ethics Officer (202) 564-3412 keith.jennie@epa.gov	Victoria Clarke Ethics Attorney 202-564-1149 clarke.victoria@epa.gov
Ferne Mosley Ethics Attorney (202) 564-8046 mosley.ferne@epa.gov	OGC/Ethics All Staff and Helpline (202) 564-2200 ethics@epa.gov

You can also visit the [OGC/Ethics SharePoint site](#) for more information.

2. The General Principles of Ethical Conduct

As public servants, we have a duty to ensure that every citizen has complete confidence in the integrity of the United States and that we are not putting personal or private interests ahead of the public trust. There are 14 principles that form your [basic obligation of public service](#) that we'll address in this briefing material.

3. The President's Executive Order (for political appointees only)

On January 20, 2021, President Biden issued an Executive Order that includes an ethics pledge you must sign as a condition of your appointment. You are agreeing to a broader "ethics in government" plan to restore and maintain public trust in government, so please review the preamble carefully. The significant points of the pledge itself are described below:

If you were a federally registered lobbyist or registered foreign agent in the past 2 years:

- For the next 2 years, do not participate in any particular matter on which you lobbied or were registrable for under the Foreign Agents Registration Act within the previous 2 years and do not participate in the specific issue area in which that particular matter falls.
- Do not seek or accept employment with any government agency that you lobbied or engaged in registrable activity under FARA within the past 2 years.

While you are a federally employee:

- Do not accept any gifts from a registered lobbyist, including attendance at a widely attended gathering. There are a few exceptions (e.g., preexisting personal relationship, discount or benefit available to all government employees) but check with an ethics official for guidance.
- For 2 years from the date of your appointment, do not participate in any particular matter involving specific parties that is directly and substantially related to your former employer or former clients, including regulations and contracts.
 - Note: The definition of *former employer* excludes the federal government, state or local governments, D.C., Native American tribes, U.S. territories or possessions, or any international organization in which the U.S. is a member state. But under the federal impartiality rules, you will still have a one-year cooling off period with those entities (except if your former employer was already the US government).
- Any hiring or other employment decisions that you make will be based on the candidate's qualifications, competence and experience.
- Do not accept any salary or cash payment or any other non-cash benefit from a former employer for entering into government service.

When you leave federal service, you are agreeing to the following:

- If you are a "senior employee" subject to the one-year cooling off period under 18 U.S.C. § 207(c), your cooling off period will be extended by another year, for a total of two years.
- If you are a "senior employee" subject to either 18 U.S.C. § 207(c) or (d), for one year following your departure from federal service, you will not work behind the scenes to materially assist others in making communications or appearances to the United States Government that you would otherwise be unable to make under the post-employment restrictions.
- You will not lobby any covered executive branch official or non-career SES appointee for the remainder of this Administration or for 2 years following the end of your appointment, whichever is later.
- You will not engage in any activity on behalf of a foreign government or foreign political party

that would require you to register under the Foreign Agents Registration Act for the remainder of this Administrator or 2 years following the end of your appointment, whichever is later.

A copy of the Executive Order and the Biden Ethics Pledge that you must sign are included in this packet of materials.

4. Financial Disclosure Reporting

In your position, you are required to complete a public financial disclosure report as you begin the federal service and every year thereafter. You will file this report in INTEGRITY, an electronic system managed by the Office of Government Ethics. When you leave EPA, you will be required to submit a termination financial disclosure report. In addition, you are required to have one hour of ethics training as a new entrant (PAS appointees have an additional requirement for a specialized one-on-one ethics briefing), and also required to have one hour of ethics training each year. The Ethics Office in the Office of General Counsel (OGC/Ethics) provides your training either in person or virtually.

You must report any transaction of securities (stocks or bonds) over \$1000 on a periodic basis in INTEGRITY using the 278T. These periodic transactions must be reported the earlier of 30 days after learning of the transaction or 45 days after the transaction takes place. Failure to file timely results in late fees that are assessed as a matter of law.

In addition, you are required to notify OGC/Ethics within three days of beginning to negotiate for employment with any non-federal entity. To do so, use our Notification of Negotiation form.

Included in this packet of materials are reminders about the types of transactions that are to be reported periodically and not being tardy in filing any reports with OGC/Ethics.

5. Attorney Client Privilege & FOIA

By regulation, disclosure by an employee to an ethics official is not protected by the attorney-client privilege. 5 C.F.R. § 2635.107(b). This means that if our records (or yours) are requested under the Freedom of Information Act (FOIA), then we will not be able to redact our advice to you using the attorney-client privilege. However, we can -- and do -- assert personal privacy and deliberative process privileges where applicable. For example, the deliberative process privilege may apply to pre-decisional ethics advice documents, but please note that our final advice to you is generally releasable.

This should **not** stop you from seeking the advice of your ethics officials! Not only does it show you are being a steward of the public trust, but good faith reliance on advice received from your ethics officials after disclosing all relevant facts can shield you from disciplinary action and is a factor that the Department of Justice considers when deciding which cases they wish to prosecute.

6. Conflicts of Interest

Do not participate as an agency official in any matter if there is an actual conflict of interest or even the appearance of a conflict of interest. It's a crime to participate *personally and substantially* in *any particular matter* in which, to your knowledge, you or a person whose interests are imputed to you has a financial interest if the particular matter will have a *direct and predictable effect* on that interest.

Example: you own a lot of stock in XYZ Corporation, which is a chemical manufacturer. If your office is considering taking an enforcement action against XYZ Corporation, you must disqualify yourself from participating in the decision. Even if your mother gave your 10-year old twins the stock, you can't participate in the matter because their interest is imputed to you.

Remember, the interests of your spouse, dependent children, general business partner, and any organization in which you serve as officer, director, trustee or employee are imputed to you. This means that, under the criminal statute, it's the same thing as if you held those assets. So, you can't participate in any particular matter that may have a financial impact on the interests that are imputed to you.

7. Appearance of a Loss of Impartiality

Even if an action is not strictly prohibited, it is prudent to be careful of any action that a reasonable person with knowledge of the relevant facts may perceive as a violation of the ethics rules, or (if applicable) your ethics pledge and the Executive Order. You must avoid even the appearance of a loss of impartiality when performing official duties.

When we consider impartiality, we expand the ambit of relationships beyond the conflicts realm of "imputed interests." We consider all of your "covered relationships," which includes a lot more people: anybody with whom you have a business, contractual or financial relationship that is more than just a routine consumer transaction; any member of your household or a relative with whom you are close; the employer/partner or prospective employer/partner of your spouse, parent or dependent child; any person or organization for which you have served in the last year as an officer, agent, employee, etc.; and any organization in which you are an active participant.

You should refrain from engaging in official acts that may be perceived as an "appearance problem" by a reasonable person (and the reasonable person is not you, but rather your ethics officials).

Ethics officials can provide advice and determine whether a proposed course of action is appropriate by issuing an impartiality determination, but we cannot provide cover if you have already done the deed.

8. No representation back to the federal government

As a federal employee, you are prohibited from representing the interest of any other entity back to the federal government, whether you are paid for those services or not. For the purposes of these criminal statutes, 18 U.S.C. §§ 203 and 205, it does not matter that you are representing the interests of another in your private capacity. You cannot serve as agent or attorney for another entity back to the United States on a particular matter in which the US is a party or has a direct and substantial interest.

9. Acceptance of Gifts

Be careful of any gift from people outside the Agency, particularly those that are worth more than \$20. Gifts are anything of value and include allowing others to pick up the lunch tab, free tickets, invitations to receptions, and lovely fruit baskets. There are only a few exceptions, so consult your ethics officials before accepting any gift. Remember, political appointees can't take gifts from federally registered lobbyists.

EPA does not have broad Agency gift authority, so prohibited gifts must be paid for or returned. You should also not generally accept gifts exceeding \$10 from EPA employees, nor give gifts exceeding \$10 to your superiors. There are some exceptions, so check with an ethics official. By the way, you may give gifts to any EPA person who makes less money than you provided that person is not your supervisor.

10. Attendance at Widely-Attended Gatherings (ethics check required)

Your ethics official must make a written determination in advance as to whether your participation and attendance at certain events meet the criteria for a "widely attended gathering" exception of the gift rule. You can't make that determination yourself (nor can the sponsor of the event). For a WAG determination, your ethics official will consider the type of event, who is attending, and whether your attendance will further an Agency interest. This analysis must be done in writing and in advance of your attending the event. Any WAG that is approved is considered a gift to you, so you will be responsible for reporting the value of the gift on your financial disclosure report if it exceeds the reporting threshold. For political appointees, though, please bear in mind that this exception does not apply to federally registered lobbyists. Political appointees cannot accept free attendance at a widely attended gathering that is sponsored by or hosted by a federally registered lobbyist.

IMPORTANT NOTE about Embedding Ethics into Your Calendaring Process

Many ethics issues typically arise through the calendaring process of an EPA principal. Since you are responsible for your ethics obligations, we know you might need a little help. To assist you in navigating calendar and invitation issues, the EPA Ethics Office offers specialized assistance to you and your front office staff to advise on invitations, gifts associated with those invitations, etc. Embedding ethics is a proactive counseling practice that brings together the Principals, their staff, and local Deputy Ethics Officials to establish a process for incorporating ethics vetting into your or the Principal's calendar. Contact Jennie Keith to get started!

11. Travel Issues

Approval of gifts of travel, lodging and meals from non-Federal sources for meetings and similar events must be obtained from OGC/Ethics prior to the event. You can't accept such offerings on your own! We have an electronic form that we use to process such requests, and we must report the approvals to the Office of Government Ethics twice a year. See <http://intranet.epa.gov/ogc/ethics/travel.htm> . Prior to the pandemic, OGC/Ethics accepted over \$1 million each year in discretionary travel paid by non-federal sources.

12. Preferential Treatment of Non-Federal Entities (Endorsement)

Be careful about showing preferential treatment to any entity. We cannot endorse the products, services or enterprises of another, so you need to be careful about extolling the virtues of a regulated entity, a particular contractor or applicant, etc. Seek ethics advice before collaborating with non-federal entities on initiatives and events because not all of EPA's statutes allow us to cooperate with non-feds.

13. Political Activities

You are now bound by the Hatch Act, which governs the political activity of federal employees, even in your personal capacity. Career SES employees are bound by even more restrictions, while Presidentially Appointed and Senate Confirmed (PAS) employees enjoy more liberties. Do not rely on what you think other people can do; find out for yourself by asking your ethics officials.

Some limitations under the Hatch Act are 24/7, meaning that you have restrictions even on your time. For example, you are never permitted to solicit, accept or receive political contributions, not even in your personal time. You can never use your EPA title or position to fundraise in connection with any political activity. Because the Hatch Act rules vary depending on your type of appointment, please see the attached chart and consult your ethics officials.

14. Lobbying Issues

EPA employees cannot use appropriated funds to engage in indirect or grassroots lobbying regarding any legislative proposal. Indirect or grassroots lobbying generally means urging members of special interest groups or the general public to contact legislators to support or oppose a legislative proposal. EPA employees cannot make explicit statements to the public to contact members of Congress in support of or in opposition to a legislative proposal. Other prohibited grassroots lobbying includes an employee's explicit request, while on official time, to an outside group asking it to contact Congress to support or oppose EPA's appropriations bill.

In addition, EPA is prohibited from using appropriated funds for activities that would "tend to promote" the public to contact Congress in support of or in opposition to a legislative proposal, even if an EPA employee does not expressly state that the public should contact Congress. This activity is considered "indirect lobbying" and is prohibited. You may, after coordinating with OCIR and Public Affairs, directly contact or lobby members of Congress and their staffs regarding the Administration's legislative proposals. Again, after getting approval from OCIR, you may also educate and inform the public of the Administration's position on legislative proposals by delivering speeches and making public remarks explaining the Administration's position on a legislative proposal.

15. Use of Government Personnel and Resources

EPA policy permits employees to “limited use” of government equipment, including the telephone, copying machines, fax machines, etc. Employees cannot, however, engage in outside activity or employment on government time. GSA regulations also prohibit any fundraising on federal property (except for the Combined Federal Campaign), so employees cannot raise money for their favorite charity (i.e., sell cookies, candy or wrapping paper for a “good cause”). They also cannot use the internet connection for gambling or to access pornography. See EPA’s [Limited Personal Use of Government Equipment Policy](#). Avoid using your EPA email address for personal matters, and do not use your personal email address for EPA matters.

16. Outside Activities

We were advised by the Biden Presidential Transition Team that non-PAS political appointees may have outside positions that are consistent with federal ethics regulations, including the Agency’s ethics regulations. Non-Career SES and Schedule C appointees must seek prior approval from EPA Ethics for certain outside activity consistent with EPA’s Supplemental Ethics Regulations at [5 C.F.R. § 6401.103](#). Examples of activity that require prior approval are practicing a profession or teaching, speaking or writing on subjects related to EPA programs, policies or operations. While there is a *de minimis* use of government equipment, that never applies to any compensated outside activity.

Most EPA employees may not receive any compensation for teaching, speaking or writing (including consulting) that relates in significant part to your assigned EPA duties, duties to which you’ve been assigned in the previous year, or to any ongoing Agency program, policy or operation. But if you are a non-career SES employee, then your restriction is even broader: you may not receive compensation at all for any teaching, speaking or writing that relates to your official duties or even to EPA’s general subject matter area, industry, or economic sector primarily affected by EPA’s programs and operations. [5 C.F.R. § 2635.807\(a\)\(2\)\(i\)\(E\)\(3\)](#).

Non-Career SESers must also abide by these additional restrictions:

- You are subject to the outside earned income cap that is set each January. As of January 2021, that amount is \$29,595. See [5 C.F.R. § 2635.804\(b\)](#) and [5 C.F.R. § 2636.304](#). This amount changes each year;
- You cannot receive compensation for practicing a profession that involves a fiduciary relationship; affiliating with or being employed by a firm or other entity that provides professional services involving a fiduciary relationship; or teaching without prior approval. See note to [5 C.F.R. § 2635.804\(b\)](#) and [5 C.F.R. § 2636.305](#);
- You may be permitted to serve as an officer or member of the board of any association, corporation or other entity, but cannot be compensated for such service. [See 5 C.F.R. § 2636.306](#); and
- You may not receive compensation for any other teaching unless specifically authorized in advance by OGC/Ethics (specifically, the Designated or Alternate Designated Agency Ethics Official listed on the first page of this briefing material). [See 5 C.F.R. § 2636.307](#).

17. Ethics Obligations of Supervisors

If you are a supervisor, you must model ethical behavior for your staff. Set forth below are your additional ethics responsibilities, found at [5 C.F.R. § 2638.103](#):

Every supervisor in the executive branch has a heightened personal responsibility for advancing government ethics. It is imperative that supervisors serve as models of ethical behavior for subordinates. Supervisors have a responsibility to help ensure that subordinates are aware of their ethical obligations under the [Standards of Conduct](#) and that subordinates know how to contact [agency ethics officials](#). Supervisors are also responsible for working with agency ethics officials to help resolve conflicts of interest and enforce government ethics laws and regulations, including those requiring certain employees to file financial disclosure reports. In addition, supervisors are responsible, when requested, for assisting agency ethics officials in evaluating potential conflicts of interest and identifying positions subject to financial disclosure requirements.

Your staff may ask you ethics questions, but unless you are an ethics official, you are not authorized to answer those ethics questions. If you receive an ethics question, then contact your own local Deputy Ethics Official or notify OGC/Ethics at ethics@epa.gov.

18. Seeking Employment

It's always odd to talk about seeking employment when we are welcoming you to EPA, but be mindful of the fact that there are restrictions that will apply. You won't be able to participate in a particular matter involving a party with which you are seeking employment, and that obligation starts as soon as you directly or indirectly contact a prospective employer, or as soon as you get a response expressing interest in you. You will need to disqualify yourself from particular matters that may affect the prospective employer.

19. Negotiating for Employment

Should your pursuit of future employment advance to "negotiating" for employment with a particular entity, then you will have conflicts of interest. The financial interests of any person or entity with whom you are "negotiating" for employment are imputed to you for the purposes of the criminal conflict of interest statute, 18 U.S.C. § 208. You will need to recuse yourself from participating in any particular matter that will have a direct and predictable effect upon the interests of the prospective employer, either as a specific party or as a member of a class, which will include particular matters that apply generally to the prospective employer's industry or class.

Filers of the public financial disclosure report are further subject to the Ethics In Government Act, as amended by the STOCK Act, which requires you to notify OGC/Ethics within three days of commencing negotiations for future employment with a non-federal employer. Yes, we have a form for that notification.

20. Post-Government Employment - Representational Restrictions

Even after you leave federal service, there are federal post-employment restrictions. Your pledge restrictions are supplementary to these restrictions. Your ethics officials are still available to answer your post-employment questions, even after you leave EPA. You will need to have an exit discussion with OGC/Ethics before you leave EPA, but here are the highlights of what we'll discuss regarding the federal law. You will also be bound by the additional restrictions of the Biden Ethics Pledge adumbrated on pp. 2-3 of this briefing material.

Lifetime bar - on particular matters that you worked on

You will be prohibited by criminal statute from representing back to the federal government on any particular matter involving specific parties in which you participated personally and substantially while in federal service. "Representation back" means making an appearance or communication, on behalf of another, with the intent to influence an official action. And the matter must involve the United States or be one in which the US has an interest.

Example: You are asked by XYZ Corporation to contact EPA about seeking an exemption so that a particular permit you granted while in your position no longer applies to them. You cannot do that because you worked on that matter while at EPA. You are permanently barred from representing another back to the federal government on that same matter.

2-year bar - on EPA matters pending during your last year in federal service

You are prohibited (again, by criminal statute) from representing back to the federal government on any particular matter involving specific parties that was pending under your official responsibility during your last year of federal service. Even if you recuse yourself from a matter, you are still bound by the two-year bar. You are not permanently restricted, since you didn't work on the matter personally and substantially, but you are prohibited from representing another back to the federal government on that matter for two years.

Senior Employee "cooling off restriction" – on any matter

Depending on your rate of pay, you may be considered a "senior official" and will be restricted for one year from making any contact with EPA following your departure (under the federal ethics regulation). Political appointees have additional time restrictions under the Biden Ethics Pledge. This prohibition is not limited to particular matters. Rather, you cannot knowingly make any communication or appearance to EPA employees on behalf of another with the intent to influence in connection with any matter in which you seek official EPA action.

Effective January 3, 2021, the defining rate of pay for "senior officials" is [\\$172,395 per year](#) (excluding locality pay). If you make more than that (before locality pay), then you are a "senior employee" and will be bound by the cooling off period. By the way, SESers do not get locality pay so, most likely, any SESer will be a "senior employee" and subject to this restriction.

Welcome to EPA and thank you for keeping ethics in the forefront of all we do!



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

January 22, 2021

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Timely filing of Public Financial Disclosure and Periodic Transaction Reports

FROM: Justina Fugh **Justina Fugh** Digitally signed by Justina Fugh
Date: 2021.01.22 12:07:49
-05'00'
Alternate Designated Agency Ethics Official

TO: All EPA Political Appointees

In 1978, Congress enacted the Ethics In Government Act, 5 U.S.C. app. to establish the Executive Branch financial disclosure reporting system that requires mandatory public disclosure of financial and employment information of certain officials and their immediate families. Because you occupy a designated position, you are required by this law to file these reports in the electronic system, *INTEGRITY*. As an executive branch employee, you are bound by federal ethics laws and regulations, including prohibitions against financial conflicts of interest and loss of impartiality. Your disclosures allow the Office of General Counsel's Ethics Office (OGC/Ethics) to assist you in identifying and addressing potential or actual conflicts of interest in order to maintain the integrity of the Agency's programs and operations. These reports are publicly available upon request and the reports of certain Presidential Appointees confirmed by the Senate will be posted on the U.S. Office of Government Ethics' website at www.oge.gov.

This memorandum formally informs you that you are required by law to file timely and accurate Public Financial Disclosure Reports (OGE 278e)¹ and Periodic Transaction Reports (OGE 278-Ts).² **Filing a late report will result in a \$200 late filing fee** unless you formally request and receive a waiver of the late fee from me or the Designated Agency Ethics Official (DAEO), Jim Payne, after describing extraordinary circumstances that caused you to file a late report.³ **Unpaid late fees are subject to the Agency's⁴ and the government's debt collection procedures and will be referred for collection if left unpaid after 30 days.**

Please refer to this chart for your filing obligations:

¹ See 5 U.S.C. app. § 101; 5 C.F.R. § 2634.201.

² Pub. L. 112-105 § 11 (STOCK Act).

³ See 5 U.S.C. app. § 104(d)(1); 5 C.F.R. § 2634.704(a).

⁴ See Resource Management Directive System 2540-03-P2 dated 07/12/2016.

OGE 278e - New Entrant reports	Within 30 days of entering a covered position (either by appointment to a permanent or acting in covered position)
OGE 278e – Incumbent reports	No later than May 15
OGE 278e – Termination reports	No later than 30 days after leaving a covered position (either through reassignment, resignation, or the end of acting in a covered position) (Reports may be submitted within 15 days prior to termination)
OGE 278T – Periodic transaction reports ⁵	The <i>earlier of</i> 30 days after learning of a transaction or 45 days of the transaction taking place.

How to request an extension of the filing deadline:

For good cause (e.g., travel, workload issues, sickness), you may request up to two 45-day extensions. Submit the request by email, including the reason, to ethics@epa.gov **prior to the due date**. Extensions cannot be granted after the due date has passed.

How to request the waiver of a late filing fee:

If *extraordinary circumstances* prevented you from meeting the deadline and OGC/Ethics assessed a late fee, you may request a waiver of the late fee. *See* 5 C.F.R. § 2634.704. Submit your request in writing to ethics@epa.gov describing the extraordinary circumstances and provide any supporting documentation. Please note that vacations or routine work obligations are not “extraordinary” circumstances. The decision to grant or deny a waiver is at the sole discretion of the DAEO/ADAEO and is final.

Your colleagues in OGC/Ethics are available to provide assistance but it is always your obligation to file your reports timely and accurately. In fact, ethics regulations *require* that we refer individuals to the Department of Justice (DOJ) when there is reasonable cause to believe that they have willfully failed to file a required report or provide the information that the report requires. The current maximum civil penalty is \$56,216.⁶

As public servants, we hope that you will take your ethics obligations seriously. As such, we expect you to make a good faith effort to adhere to the timeliness and completeness requirements of your financial disclosure reporting obligations. If you have any questions, please contact ethics@epa.gov.

ATTACHMENT - *When to Report Transactions on the OGE 278 and OGE 278-T*

⁵ See attached guidance – *When to Report Transactions on the OGE 278 and OGE 278-T*.

⁶ In 2012, OGC/Ethics referred an individual to DOJ for failure to file a termination report despite repeated reminders and entreaties. That individual paid a civil penalty of \$15,000 and still had to file the termination report.

When to Report Transactions

DUE DATE: The earlier of the following: 30 Days from Notification or 45 Days from Transaction

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on Part 7 of the OGE 278e?
Transactions of \$1,000 or less		
• Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset	No	No
Your investment assets (or jointly held)		
• Your stocks	Yes	Yes
• Your bonds (except U.S. Treasury securities)	Yes	Yes
• Your commodity futures	Yes	Yes
• Your other investment securities	Yes	Yes
• Assets listed above in your (joint) brokerage accounts, (joint) managed accounts, IRAs, other retirement accounts, and/or other (joint) investment vehicles	Yes	Yes
Your spouse's investment assets		
• Spouse's stocks	Yes	Yes
• Spouse's bonds (except U.S. Treasury securities)	Yes	Yes
• Spouse's commodity futures	Yes	Yes
• Spouse's other investment securities	Yes	Yes
• Assets listed above in spouse's <u>own</u> brokerage account, managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Dependent child's stocks	Yes	Yes
• Dependent child's bonds (except U.S. Treasury securities)	Yes	Yes
• Dependent child's commodity futures	Yes	Yes
• Dependent child's other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes ¹
• Mutual funds, exchange traded funds, index funds and/or other "excepted investment funds" ²	No	Yes
• Any asset in which the transaction amount is \$1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals)	No	No
• Money market accounts	No	No
• Money market funds	No	No
• Certificates of deposits	No	No
• US Treasury Securities (e.g., T bills, Treasury bonds, U.S. savings bonds)	No	No
• Federal Government Retirement Accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust ³	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

¹ Do not report the purchase or sale of your personal residence on Part 7 unless you rent it out at any time during the reporting period.

² To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

Managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs) are not excepted investment funds in and of themselves. It may be that individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. But the fact that you have a managed account does not absolve you of your reporting requirements. That account is legally owned by you, and you're responsible for its assets and reporting transactions. If you have questions, contact ethics@epa.gov.

³ OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email ethics@epa.gov.

REQUIREMENT: Notify OGC/Ethics within 3 business days of commencing the negotiation or agreement for post-government employment or compensation

NOTIFICATION OF NEGOTIATION OR AGREEMENT

Your full name

Your telephone number*

Date negotiation or agreement began

Your Title / Office / AAship or Region

Your email address*

Name of non-federal entity that you are negotiating with or have an agreement for employment or compensation

** Provide information for OGC/Ethics to use to contact you as part of our official duty. For this purpose, you may provide a personal email address or cell number.*

RECUSAL STATEMENT

To assist in identifying your recusal obligations, check the appropriate boxes below:

- | | Yes | No | |
|----|--------------------------|--------------------------|---|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | EPA's programs, policies, or operations affect the non-federal entity with which I am seeking employment. |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | My office in EPA does work that affects the non-federal entity with which I am seeking employment. |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | The work I participate in affects or will affect the non-federal entity with which I am seeking employment. |

Need help answering these statements?
See page 2.

For as long as I am negotiating for, or have an agreement of, employment or compensation with the entity listed above, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of this entity, unless I first obtain from OGC/Ethics a written authorization or waiver consistent with 5 C.F.R. § 2635.605 or 18 U.S.C. § 208(b)(1). I understand that it is my responsibility to consult with OGC/Ethics if I have questions regarding my recusal obligations.

Sign and submit to ethics@epa.gov:

Your signature

OGC/Ethics Use Only:

Statement 1: EPA’s programs, policies, or operations affect the non-federal entity with which I am seeking employment.

If your answer is “yes” to any of the following questions, then you must answer “yes” to statement 1.

- Is the non-federal entity seeking official action from EPA (even if not your own office)?
- Does the non-federal entity do business or seek to do business with the EPA (even if not your own office)?
- Does the non-federal entity conduct activities that EPA regulates (even if not in your own office)?
- Does the non-federal entity have interests that may be substantially affected by the performance or non-performance of your official duties?
- Is the non-federal entity a membership organization in which the majority of the members are described in the preceding questions?

Statement 2: My office in EPA does work that affects the non-federal entity with which I am seeking employment.

To answer this question, think about the nexus between the work of your office and the non-federal entity. The closer the nexus, the more likely you will have to check “yes” to statement 2.

- Consider the particular matters your office works on and whether there is any connection to the work of this entity. Does your office work on permits, investigations, litigation, grants, licenses, contracts, applications, enforcement cases, or other similar types of matters where there is an identified non-federal entity (i.e., particular matters involving specific parties)?
- Also consider whether your office is involved in scientific programs, media programs, or other types of policies, procedures, guidance documents, regulations, etc., that would affect this particular industry or sector (i.e., particular matters of general applicability).

Statement 3: The work I participate in affects or will affect the non-federal entity with which I am seeking employment.

Think about the nexus between your work and the non-federal entity as well as its respective class, industry or sector. The closer the nexus between your work and the sector the non-federal entity belongs to, the more likely you will check have to check “yes” to statement 3.

- Will the work you do affect the sector? Don’t concentrate on whether your personal contributions will be determinative but rather, overall, how the outcome of the work itself will affect the sector and the non-federal entity with which you are negotiating.
- Do you advise on or consult with your colleagues’ projects and work? Does their work affect this sector or the non-federal entity?
- Do you actively supervise or assign work to subordinates? Do those assignments affect the sector or the non-federal entity?

Need help answering these statements? Contact ethics@epa.gov to discuss.

Political Activities and Federal Employees

The Hatch Act, enacted in 1939, was amended in 1993 and 2012. It regulates the political activities of executive branch employees, excluding the President and Vice President. The following table summarizes what political activities EPA employees can and cannot do based on their appointment. Note: Public Health Service officers must adhere to 45 CFR Part 73, Subpart F, which is most similar to the Career SES/ALJ column.

Political activity means an activity “directed toward the success or failure of a political party, a candidate for partisan political office, or a partisan political group.”

Type of Activity	PAS*	Non-Career SES, Schedule C*, Title 42, SL/ST, AD*, GS, Other	Career SES, ALJs
Personal (off premises and off duty)			
Express support for or opposition to a political candidate when off duty	Yes	Yes	Yes
Run as a partisan candidate for nomination or office in a partisan election	No	No	No
Solicit and accept contributions for your campaign in a non-partisan election	Yes	Yes	Yes
Solicit a contribution from a member of your union	N/A	Yes	N/A
Work a phone bank asking individuals to volunteer	Yes	Yes	No
Campaign on behalf of a candidate in a partisan election	Yes	Yes	No
Be active on behalf of a candidate at political rallies or meetings	Yes	Yes	No
Attend political rallies and meetings	Yes	Yes	Yes
Contribute money to political organizations	Yes	Yes	Yes
Work in non-partisan voter registration drives	Yes	Yes	Yes
Work in partisan voter registration drives	Yes	Yes	No
Register and vote	Yes	Yes	Yes
Sign a nominating petition	Yes	Yes	Yes
Distribute campaign material in a partisan election	Yes	Yes	No
Work as an election judge, poll watcher, clerical worker on election day and receive compensation for that work	Yes	Yes	Yes but nonpartisan only
Drive people to polling station on behalf of a campaign	Yes	Yes	No
Affecting Official Resources			
Use office time for political activity	Yes; IG-No	No	No
Use official space for political activity in general	Yes; IG-No	No	No
Fundraising			
Attend a political fundraiser	Yes	Yes	Yes
Solicit, accept or receive political contributions in general	No	No	No
Solicit or receive a political contribution on government premises	No	No	No
Plan or organize a political fundraiser when off duty	Yes	Yes	No
Sponsor, host, or allow your name as sponsor/host for a political fundraiser	No	No	No
Serve drinks or check coats at a political fundraiser	Yes	Yes	No
Speak at a partisan fundraiser without appealing for money	Yes	Yes	No
Allow only your name to be listed as speaker on fundraising invitation	Yes	Yes	No

*PAS = Political Appointee Confirmed by the Senate; Schedule C = political appointees not confirmed by Senate; AD = Administratively Determined; SES = Senior Executive Service

EPA Ethics Program

Counseling Practice Area:

Vetting Invitations

Quick Summary:

One of the more visible ways ethics issues arise are those that come up during the calendaring of events and invitations for an EPA principal and their immediate staff. The ethics issues run the whole gambit:

Recusal Obligations ♦ Gifts ♦ Fundraising ♦ Political Activity ♦ Endorsements
President's Ethics Pledge ♦ Misuse of Position

Embedding ethics is a proactive counseling practice that brings together the Principals, their immediate staff, and Deputy Ethics Officials to establish a process for incorporating ethics vetting into the Principal's calendar. This helps and supports the EPA principal to meet their ethics obligations and maintain integrity of agency programs and operations.

Who:

Principals (Administrator, Deputy Administrator, Assistant Administrators, and Regional Administrators, certain Deputy Associate Administrators), their immediate staff, and Deputy Ethics Officials.

What:

Preventing conflicts of interest and other ethics issues by embedding ethics review into the calendaring process for principals.

When:

Upon the appointee's start of EPA service

Where:

Through coordination in the principal's front office and immediate staff

Why:

Principals and other political appointees encounter frequent ethics issues arising through acceptance of external events, travel, and meetings with external participants. With increased public scrutiny and ethics legal frameworks, this is a high risk area in the ethics program. It is the principal's responsibility to avoid ethics issues and to maintain public trust in government.

How:

To navigate these ethics issues, we establish a process, use standard event information gathering forms, and train periodically, so a principal's front office can obtain all relevant information for an event and ethics officials can advise appropriately and timely prior to acceptance.

Executive Order on Ethic Commitments by Executive Branch Personnel

JANUARY 20, 2021 • [PRESIDENTIAL ACTIONS](#)

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and sections 3301 and 7301 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2021, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee:

“I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

“Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

“1. Lobbyist Gift Ban. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.

“2. Revolving Door Ban — All Appointees Entering Government. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.

“3. Revolving Door Ban — Lobbyists and Registered Agents Entering Government. If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 et seq., or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 et seq., within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:

(a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;

(b) participate in the specific issue area in which that particular matter falls; or

(c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.

“4. Revolving Door Ban — Appointees Leaving Government. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.

“5. Revolving Door Ban — Senior and Very Senior Appointees Leaving Government. If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections’ implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.

“6. Revolving Door Ban — Appointees Leaving Government to Lobby. In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.

“7. Golden Parachute Ban. I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.

“8. Employment Qualification Commitment. I agree that any hiring or other employment decisions I make will be based on the candidate’s qualifications, competence, and experience.

“9. Assent to Enforcement. I acknowledge that the Executive Order entitled ‘Ethics Commitments by Executive Branch Personnel,’ issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.”

Sec. 2. Definitions. For purposes of this order and the pledge set forth in section 1 of this order:

(a) “Executive agency” shall include each “executive agency” as defined by section 105 of title 5, United States Code, and shall include the Executive Office of the President; provided, however, that “executive agency” shall include the United States Postal Service and Postal Regulatory Commission, but shall exclude the Government Accountability Office.

(b) “Appointee” shall include every full-time, non-career Presidential or Vice-Presidential appointee, non-career appointee in the Senior Executive Service (or other SES-type system), and appointee to a position that has been excepted from the competitive service by reason of being of a confidential or policymaking character (Schedule C and other positions excepted under comparable criteria) in an executive agency. It does not include any person appointed as a member of the Senior Foreign Service or solely as a uniformed service commissioned officer.

(c) “Gift”:

(i) shall have the definition set forth in section 2635.203(b) of title 5, Code of Federal Regulations;

(ii) shall include gifts that are solicited or accepted indirectly, as defined in section 2635.203(f) of title 5, Code of Federal Regulations; and

(iii) shall exclude those items excluded by sections 2635.204(b), (c), (e)(1) and (3), and (j) through (l) of title 5, Code of Federal Regulations.

(d) “Covered executive branch official” and “lobbyist” shall have the definitions set forth in section 1602 of title 2, United States Code.

(e) “Registered lobbyist or lobbying organization” shall mean a lobbyist or an organization filing a registration pursuant to section 1603(a) of title 2, United States Code, and in the case of an organization filing such a registration, “registered lobbyist” shall include each of the lobbyists identified therein.

(f) “Lobby” and “lobbied” shall mean to act or have acted as a registered lobbyist.

(g) “Lobbying activities” shall have the definition set forth in section 1602 of title 2, United States Code.

(h) “Materially assist” means to provide substantive assistance but does not include providing background or general education on a matter of law or policy based upon an individual’s subject matter expertise, nor any conduct or assistance permitted under section 207(j) of title 18, United States Code.

(i) “Particular matter” shall have the same meaning as set forth in section 207 of title 18, United States Code, and section 2635.402(b)(3) of title 5, Code of Federal Regulations.

(j) “Particular matter involving specific parties” shall have the same meaning as set forth in section 2641.201(h) of title 5, Code of Federal Regulations, except that it shall also include any meeting or other communication relating to the performance of one’s official duties with a former employer or former client, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties.

(k) “Former employer” is any person for whom the appointee has within the 2 years prior to the date of his or her appointment served as an employee, officer, director, trustee, or general partner, except that “former employer” does not include any executive agency or other entity of the Federal Government, State or local government, the District of Columbia, Native American tribe, any United States territory or possession, or any international organization in which the United States is a member state.

(l) “Former client” is any person for whom the appointee served personally as agent, attorney, or consultant within the 2 years prior to the date of his or her appointment, but excluding instances where the service

provided was limited to speeches or similar appearances. It does not include clients of the appointee's former employer to whom the appointee did not personally provide services.

(m) "Directly and substantially related to my former employer or former clients" shall mean matters in which the appointee's former employer or a former client is a party or represents a party.

(n) "Participate" means to participate personally and substantially.

(o) "Government official" means any employee of the executive branch.

(p) "Administration" means all terms of office of the incumbent President serving at the time of the appointment of an appointee covered by this order.

(q) "Pledge" means the ethics pledge set forth in section 1 of this order.

(r) "Senior White House staff" means any person appointed by the President to a position under sections 105(a)(2)(A) or (B) of title 3, United States Code, or by the Vice President to a position under sections 106(a)(1)(A) or (B) of title 3.

(s) All references to provisions of law and regulations shall refer to such provisions as are in effect on January 20, 2021.

Sec. 3. Waiver. (a) The Director of the Office of Management and Budget (OMB), in consultation with the Counsel to the President, may grant to any current or former appointee a written waiver of any restrictions contained in the pledge signed by such appointee if, and to the extent that, the Director of OMB certifies in writing:

(i) that the literal application of the restriction is inconsistent with the purposes of the restriction; or

(ii) that it is in the public interest to grant the waiver. Any such written waiver should reflect the basis for the waiver and, in the case of a waiver of the restrictions set forth in paragraphs 3(b) and (c) of the pledge, a discussion of the findings with respect to the factors set forth in subsection (b) of this section.

(b) A waiver shall take effect when the certification is signed by the Director of OMB and shall be made public within 10 days thereafter.

(c) The public interest shall include, but not be limited to, exigent circumstances relating to national security, the economy, public health, or the environment. In determining whether it is in the public interest to grant a waiver of the restrictions contained in paragraphs 3(b) and (c) of the pledge, the responsible official may consider the following factors:

- (i) the government's need for the individual's services, including the existence of special circumstances related to national security, the economy, public health, or the environment;
- (ii) the uniqueness of the individual's qualifications to meet the government's needs;
- (iii) the scope and nature of the individual's prior lobbying activities, including whether such activities were de minimis or rendered on behalf of a nonprofit organization; and
- (iv) the extent to which the purposes of the restriction may be satisfied through other limitations on the individual's services, such as those required by paragraph 3(a) of the pledge.

Sec. 4. Administration. (a) The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish such rules or procedures (conforming as nearly as practicable to the agency's general ethics rules and procedures, including those relating to designated agency ethics officers) as are necessary or appropriate to ensure:

- (i) that every appointee in the agency signs the pledge upon assuming the appointed office or otherwise becoming an appointee;
- (ii) that compliance with paragraph 3 of the pledge is addressed in a written ethics agreement with each appointee to whom it applies, which agreement shall also be approved by the Counsel to the President prior to the appointee commencing work;
- (iii) that spousal employment issues and other conflicts not expressly addressed by the pledge are addressed in ethics agreements with appointees or, where no such agreements are required, through ethics counseling; and
- (iv) that the agency generally complies with this order.

(b) With respect to the Executive Office of the President, the duties set forth in section 4(a) of this order shall be the responsibility of the Counsel to the President.

(c) The Director of the Office of Government Ethics shall:

(i) ensure that the pledge and a copy of this order are made available for use by agencies in fulfilling their duties under section 4(a) of this order;

(ii) in consultation with the Attorney General or the Counsel to the President, when appropriate, assist designated agency ethics officers in providing advice to current or former appointees regarding the application of the pledge; and

(iii) in consultation with the Attorney General and the Counsel to the President, adopt such rules or procedures as are necessary or appropriate:

(A) to carry out the foregoing responsibilities;

(B) to authorize limited exceptions to the lobbyist gift ban for circumstances that do not implicate the purposes of the ban;

(C) to make clear that no person shall have violated the lobbyist gift ban if the person properly disposes of a gift as provided by section 2635.206 of title 5, Code of Federal Regulations;

(D) to ensure that existing rules and procedures for Government employees engaged in negotiations for future employment with private businesses that are affected by the employees' official actions do not affect the integrity of the Government's programs and operations;

(E) to ensure, in consultation with the Director of the Office of Personnel Management, that the requirement set forth in paragraph 6 of the pledge is honored by every employee of the executive branch;

(iv) in consultation with the Director of OMB, report to the President on whether full compliance is being achieved with existing laws and regulations governing executive branch procurement lobbying disclosure. This report shall include recommendations on steps the executive branch can take to expand, to the fullest extent practicable, disclosure of both executive branch procurement lobbying and of lobbying for Presidential pardons. These recommendations shall include both immediate actions the executive branch can take and, if necessary, recommendations for legislation; and

(v) provide an annual public report on the administration of the pledge and this order.

(d) The Director of the Office of Government Ethics shall, in consultation with the Attorney General, the Counsel to the President, and the Director of the Office of Personnel Management, report to the President on steps the executive branch can take to expand to the fullest extent practicable the revolving door ban set forth in paragraph 5 of the pledge to all executive branch employees who are involved in the procurement process such that they may not for 2 years after leaving Government service lobby any Government official regarding a Government contract that was under their official responsibility in the last 2 years of their Government service. This report shall include both immediate actions the executive branch can take and, if necessary, recommendations for legislation.

(e) All pledges signed by appointees, and all waiver certifications with respect thereto, shall be filed with the head of the appointee's agency for permanent retention in the appointee's official personnel folder or equivalent folder.

Sec. 5. Enforcement. (a) The contractual, fiduciary, and ethical commitments in the pledge provided for herein are solely enforceable by the United States pursuant to this section by any legally available means, including debarment proceedings within any affected executive agency or judicial civil proceedings for declaratory, injunctive, or monetary relief.

(b) Any former appointee who is determined, after notice and hearing, by the duly designated authority within any agency, to have violated his or her pledge may be barred from lobbying any officer or employee of that agency for up to 5 years in addition to the time period covered by the pledge. The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish procedures to implement this subsection, which procedures shall include (but not be limited to) providing for fact-finding and investigation of possible violations of this order and for referrals to the Attorney General for consideration pursuant to subsection (c) of this order.

(c) The Attorney General is authorized:

(i) upon receiving information regarding the possible breach of any commitment in a signed pledge, to request any appropriate Federal investigative authority to conduct such investigations as may be appropriate; and

(ii) upon determining that there is a reasonable basis to believe that a breach of a commitment has occurred or will occur or continue, if not enjoined, to commence a civil action against the former employee in any United States District Court with jurisdiction to consider the matter.

(d) In any such civil action, the Attorney General is authorized to request any and all relief authorized by law, including but not limited to:

(i) such temporary restraining orders and preliminary and permanent injunctions as may be appropriate to restrain future, recurring, or continuing conduct by the former employee in breach of the commitments in the pledge he or she signed; and

(ii) establishment of a constructive trust for the benefit of the United States, requiring an accounting and payment to the United States Treasury of all money and other things of value received by, or payable to, the former employee arising out of any breach or attempted breach of the pledge signed by the former employee.

Sec. 6. General Provisions. (a) If any provision of this order or the application of such provision is held to be invalid, the remainder of this order and other dissimilar applications of such provision shall not be affected.

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

JOSEPH R. BIDEN JR.

THE WHITE HOUSE,
January 20, 2021.

From: [Fugh, Justina](#)
To: [Levy, Maxwell](#)
Cc: [Harris, Sincere](#); [Mercado Violand, Fernando](#)
Subject: FW: Hello from EPA Ethics!
Date: Monday, February 1, 2021 9:37:00 AM

Hi Max,

Sorry, I forgot to add you to the distribution below, and Outlook grabbed Sincere's old email address! Resending to her and Fernando, too.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina

Sent: Monday, February 01, 2021 9:33 AM

To: Chase, Joann <Chase.Joann@epa.gov>; Conger, Nicholas <Conger.Nicholas@epa.gov>; Diaz, Catherine <Diaz.Catherine@epa.gov>; Efron, Brent <Efron.Brent@epa.gov>; Frey, H <Frey.H@epa.gov>; Goldberg, Ruby <Goldberg.Ruby@epa.gov>; Michalos, Maria <Michalos.Maria@epa.gov>; O'Brien, Grant <OBrien.Grant@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>; Kim, Eun <Kim.Eun@epa.gov>; Sabater, Juan <Sabater.Juan@epa.gov>; Waterhouse, Carlton <Waterhouse.Carlton@epa.gov>; Engelman-Lado, Marianne <EngelmanLado.Marianne@epa.gov>

Cc: Sincere Harris (b) (6); Mercado Violand, Fernando <MercadoVioland.Fernando@epa.gov>

Subject: Hello from EPA Ethics!

Hi there,

My name is Justina Fugh, and I'm the director of EPA's Ethics Office. Welcome aboard! In your orientation materials, Patricia Moore asked you to contact me about your initial ethics training. My staff and I provide that training to you "in person" (now virtually) so you needn't click on the ethics training module link she gave you. Instead, you'll get virtual training with us on Thursday, February 4 from 12 noon to 1 pm. Because we've got a baker's dozen of you starting today, we'll offer two initial ethics training sessions simultaneously. With fewer people on each call, you'll have a greater opportunity ask questions. I'll randomly assign you to a session, and you'll get a Teams invitation from me later today.

In addition, each of you is required to file a public financial disclosure report electronically. I will assign you that report today, using your EPA email address. But I noticed that a couple of you may have emails that don't necessarily correspond to your preferred names so you might be looking to change your email address (don't ask me how to do that; I don't know!). If you are going to want to change your email address, then let me know. For now, we can set up your account using your personal email address and then ask to have the account merged with your EPA email once you've got that settled. That report is due 30 days from your start date, and you can be assessed a late filing fee, so this is one of those important things you just have to do.

Again, welcome to EPA and let me know if you have any specific questions before we connect

on Thursday!

Happy Monday!

Justina

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Griffo, Shannon

Subject: Hatch Act Training for Political Appointees
Location: Microsoft Teams Meeting

Start: Mon 9/20/2021 3:30 PM
End: Mon 9/20/2021 5:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Utech, Dan

Required Attendees: Monger, Jon; McCabe, Janet; Harris, Sincere; Cassady, Alison; Blythers, Dorien; Hoffer, Melissa; Arroyo, Victoria; Goffman, Joseph; Fox, Radhika; Fine, Philip; Hamilton, Lindsay; Chaudhary, Dimple; Enobakhare, Rosemary; Adhar, Radha; Carbonell, Tomas; Katims, Casey; Lucey, John; Freedhoff, Michal; Mayock, Andrew; Lance, Kathleen; Chase, JoAnn; Waterhouse, Carlton; Engelman-Lado, Marianne; Frey, Christopher; Sabater, Juan; Conger, Nick; Efron, Brent; Diaz, Catherine; O'Brien, Grant; Goldberg, Ruby; Nunez, Alejandra; Kim, Eunjung; Michalos, Maria; Levy, Maxwell; Green, Jamie; Morgan, Ashley; Wachter, Eric; Carroll, Timothy; Macedonia, Jennifer; Schafer, Zach; Cortez Russell, Loni; Li, Jake; Weaver, Susannah; Amin, Faisal; Wesley Carpenter (Carpenter.Wesley@epa.gov); Fugh, Justina; Payne, James (Jim); Laverdiere, Maria; Garza, Johnathan; Hicks, Destine; Niebling, William

Optional Attendees: Galindo-Marrone, Ana; Clarke, Victoria; Mosley, Ferne; Ross, Margaret; Keith, Jennie; Griffo, Shannon

At the request of the Administrator and Deputy Administrator, please join them and the EPA Ethics team for a special presentation about the Hatch Act featuring Ana Galindo-Marrone, who is the Chief of the Hatch Act Unit of the Office of Special Counsel. For the past 20 years, Ms. Marrone has led her staff in investigating and prosecuting Hatch Act violations. We are honored that she is available to give this presentation to our political appointees. Please join us in Microsoft Teams on Monday, September 20 from 3:30 to 5:00 pm EDT.

Although this session will not count for your one hour of annual ethics training, you will find it very informative and your attendance is *strongly encouraged!* As you know, the Hatch Act limits certain political activities of federal employees. This session will guide you in understanding your obligations and responsibilities under the Hatch Act.

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

(b) (6) United States, Washington DC

Phone Conference ID: (b) (6)

[Find a local number](#) | [Reset PIN](#)

By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

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From: [Levy, Maxwell](#)
To: [Fugh, Justina](#)
Cc: [ethics](#)
Subject: RE: Thanks for staying awake today!
Date: Monday, February 8, 2021 9:11:42 AM
Attachments: [Biden Ethics Pledge for digital signature ML-SIGNED.pdf](#)

Justina, thank you again for such a thorough training! Attached is my signed ethics pledge, please let me know if there are any other immediate action items you need on my end.

Thanks,

Max

From: Fugh, Justina <Fugh.Justina@epa.gov>

Sent: Thursday, February 4, 2021 3:49 PM

To: Kim, Eun <Kim.Eun@epa.gov>; O'Brien, Grant <OBrien.Grant@epa.gov>; Diaz, Catherine <Diaz.Catherine@epa.gov>; Goldberg, Ruby <Goldberg.Ruby@epa.gov>; Levy, Maxwell <Levy.Maxwell@epa.gov>; Efron, Brent <Efron.Brent@epa.gov>

Subject: Thanks for staying awake today!

Here is the briefing material, including that handy Hatch Act chart, and the Biden Ethics Pledge for you to sign, please.

If you have any questions, write to ethics@epa.gov or to me directly. We're happy to help!

justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
2. *Revolving Door Ban — All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
 - (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
 - (b) participate in the specific issue area in which that particular matter falls; or
 - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.
5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.
6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.
7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. *Assent to Enforcement.* I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

Levy, Maxwell

Signature

Digitally signed by Levy, Maxwell
Date: 2021.02.08 09:09:36 -05'00'

February 8, 2021

Date

Name (Type or Print):

Maxwell Levy

From: [Levy, Maxwell](#)
To: [Clarke, Victoria](#)
Subject: RE: Your New Entrant Report in INTEGRITY
Date: Friday, February 26, 2021 9:19:46 AM
Attachments: [image001.jpg](#)

Just submitted!

Max Levy

Special Assistant
Office of Public Engagement and Environmental Education
U.S. EPA Office of the Administrator
Cell: 202.815.7752 | he/him

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Friday, February 26, 2021 8:51 AM
To: Levy, Maxwell <Levy.Maxwell@epa.gov>
Subject: RE: Your New Entrant Report in INTEGRITY
Okay, good – I am glad it will still let you submit
Victoria Clarke
Attorney-Advisor
U S Environmental Protection Agency
Office of General Counsel
Washington, D C | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Levy, Maxwell <Levy.Maxwell@epa.gov>
Sent: Friday, February 26, 2021 8:50 AM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Your New Entrant Report in INTEGRITY

Got it! For the name issue, below is how the form displays. When I click the help icon for Middle Initial, it says “Contact your ethics official if your name needs to be updated or corrected ”

I believe it will still let me submit, I just wanted to make sure that was OK that I did!

-Max



Max Levy

Special Assistant
Office of Public Engagement and Environmental Education
U.S. EPA Office of the Administrator
Cell: 202.815.7752 | he/him

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Friday, February 26, 2021 8:24 AM
To: Levy, Maxwell <Levy.Maxwell@epa.gov>
Subject: RE: Your New Entrant Report in INTEGRITY

Hi Max,

I'm not sure how to populate your middle initial – is that a mandatory field? Will it not let you submit the form without your middle initial being included? Yes, that is correct Any individual stock that you have that is less than \$1001 or that has not made more than \$201 in income does not need to be reported However, make sure you are aggregating all the stock of the same entity together to come to those values For example, if you had two separate stock portfolios with different financial entities and one had \$700 in Exxon stock and the other had \$600 in Exxon stock, you would need to add both the \$700 and \$600 together – and you would report the \$1300 of Exxon stock that you own You wouldn't simply not report both sets of Exxon stock because they were in separate accounts at different financial institutions

So the way the process works is you submit the form to us and *then* we review it We don't certify it immediately when you submit it, rather we review to make sure you've reported everything and that it is reported correctly If it isn't, or if we have questions, we send the report back to you so you can make changes, then you submit it back to us and we look at it again When the report is accurate, that's when we certify it No one gets it right the first time, so don't worry about something not being 'perfect' prior to submission

Victoria
Victoria Clarke
Attorney-Advisor
U S Environmental Protection Agency
Office of General Counsel
Washington, D C | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Levy, Maxwell <Levy.Maxwell@epa.gov>

Sent: Thursday, February 25, 2021 9:22 PM

To: Clarke, Victoria <clarke.victoria@epa.gov>

Subject: RE: Your New Entrant Report in INTEGRITY

Hi, apologies for taking so long to get back to you, I've finally sat down with the form and am almost ready to submit! Just a few quick questions:

- My middle initial doesn't populate on the Getting Started section, how can I add the middle initial "K" ?
- Confirming that I have a few stock investments that are less than \$1,000 and have not made \$200 in income in the reporting period, so I don't have to list those anywhere, correct?
- I've heard from other colleagues that an ethics official would be able to look over my form before I submit, is that still possible? Mostly want to make sure I've identified my (b) (6) individually greater than \$1,000 or have had \$200 in income in the reporting period.

Thanks so much!

-Max

Max Levy

Special Assistant
Office of Public Engagement and Environmental Education
U.S. EPA Office of the Administrator
Cell: 202.815.7752 | he/him

From: Clarke, Victoria <clarke.victoria@epa.gov>

Sent: Wednesday, February 10, 2021 4:18 PM

To: Levy, Maxwell <Levy.Maxwell@epa.gov>

Subject: Your New Entrant Report in INTEGRITY

Hi there!

This is Victoria from OGC Ethics I wanted to quickly remind you that the due date for your New Entrant report is March 2. If you need any help with the New Entrant Report, please let me know – I'm your point of contact in OGC Ethics for any questions that you might have with respect to it

Victoria

Victoria Clarke
Attorney-Advisor
U S Environmental Protection Agency
Office of General Counsel
Washington, D C | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

Griffo, Shannon

From: Levy, Maxwell
Sent: Monday, March 15, 2021 9:49 PM
To: Clarke, Victoria
Subject: RE: Integrity.gov: Report Returned

Hi confirming, that no underlying assets are over \$1,000 or made over \$200 in income.

Max Levy
Special Assistant
Office of Public Engagement and Environmental Education U.S. EPA Office of the Administrator
Cell: 202.815.7752 | he/him

-----Original Message-----

From: Levy, Maxwell
Sent: Monday, March 15, 2021 5:30 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Integrity.gov: Report Returned

I don't believe so, but I will check this evening to confirm!

Max Levy
Special Assistant
Office of Public Engagement and Environmental Education U.S. EPA Office of the Administrator
Cell: 202.815.7752 | he/him

-----Original Message-----

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Monday, March 15, 2021 3:57 PM
To: Levy, Maxwell <Levy.Maxwell@epa.gov>
Subject: RE: Integrity.gov: Report Returned

Hi Max!

For that (b) (6) - are there any underlying assets that are over \$1000 in value or made you over \$200 in income?

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency Office of General Counsel Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

-----Original Message-----

From: Levy, Maxwell <Levy.Maxwell@epa.gov>
Sent: Monday, March 15, 2021 9:41 AM
To: Clarke, Victoria <clarke.victoria@epa.gov>

Subject: RE: Integrity.gov: Report Returned

Got it, done!

Max Levy
Special Assistant
Office of Public Engagement and Environmental Education U.S. EPA Office of the Administrator
Cell: 202.815.7752 | he/him

-----Original Message-----

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Monday, March 15, 2021 9:39 AM
To: Levy, Maxwell <Levy.Maxwell@epa.gov>; Integrity.gov Notification <notifications@integrity.gov>
Subject: RE: Integrity.gov: Report Returned

Thanks, Max! Go ahead and submit the report back to me (same was you did initially) and I can take a look!

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency Office of General Counsel Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

-----Original Message-----

From: Levy, Maxwell <Levy.Maxwell@epa.gov>
Sent: Monday, March 15, 2021 9:38 AM
To: Integrity.gov Notification <notifications@integrity.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Integrity.gov: Report Returned

Hi, I went through last night and updated / responded to a few outstanding questions. Let me know what more I need to do!

Thanks,
Max

Max Levy
Special Assistant
Office of Public Engagement and Environmental Education U.S. EPA Office of the Administrator
Cell: 202.815.7752 | he/him

-----Original Message-----

From: Integrity.gov <notifications@integrity.gov>
Sent: Monday, March 8, 2021 9:00 AM
To: Levy, Maxwell <Levy.Maxwell@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: Integrity.gov: Report Returned

Dear Levy, Maxwell,

This is your gentle reminder that Clarke, Victoria K requested that you amend your 2021 New Entrant Report filed 2/26/2021. You were given 14 days to make the changes and submit the report back to us. Please make the necessary changes as soon as possible! Access your report at

(b) (6)

. If you have any questions, send a note to ethics@epa.gov. For additional help with the report, see:
<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww2.epa.gov%2FWeb%2F278eGuide.nsf&data=04%7C01%7Cclarke.victoria%40epa.gov%7Ce1b249e0789445d0577d08d8e81dad18%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637514561451580737%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C1000&sdata=zNxjED8TBKzjhQdg7WBrBKd3%2FBgcJU%2Fa2knWtxnnViY%3D&reserved=0>

From: [Conger, Nick](#)
To: [ethics](#)
Cc: [Clarke, Victoria](#)
Subject: Nick Conger ethics pledge signed
Date: Monday, February 8, 2021 3:42:46 PM
Attachments: [Ethics Briefing Packet for Political AppointeesNC.pdf](#)

See attached!

Nick Conger

Press Secretary

Environmental Protection Agency

202-941-1116 (mobile)

[Newsroom](#) | he/him

ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
2. *Revolving Door Ban — All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
 - (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
 - (b) participate in the specific issue area in which that particular matter falls; or
 - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.
5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.
6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.
7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. *Assent to Enforcement.* I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

Conger, Nicholas

Digitally signed by Conger, Nicholas
Date: 2021.02.08 15:27:37 -05'00'

Signature

Name (Type or Print):

Nicholas Conger

February 8, 2021

Date

From: [Fugh, Justina](#)
To: [Hamilton, Lindsay](#); [Conger, Nick](#)
Subject: RE: SEJ follow up/ speaker request
Date: Thursday, February 18, 2021 10:56:00 PM

Hi Lindsay and Nick,

You're asking whether you may, as part of official duty, speak to this particular entity. Since I'm already fond of you both, I'll reveal the hidden secret of my ethics analysis:

- Any recusal issues?
 - ANSWER: Nope. Because you both signed the Biden ethics pledge, you can't participate as part of your official duties in any specific party matter in which your former employer/former client over the past two years is a party or represents a party. For Lindsay, her recusal list is GWU and Rockefeller Philanthropy Advisors, while Nick's is just the Caney Fork River Company. Neither of you is recused from speaking to the Society of Environmental Journalists.
- Any Hatch Act issues?
 - ANSWER: Nope. The SEJ is not a partisan group.
- Any other issues?
 - ANSWER: Nope. This particular entity is a 501(c)(3) organization and its mission is directly related to your roles at EPA.

Bottom line is that I don't see any ethical reason for you not to speak to this entity. That said, if they want you to sign some sort of licensing agreement or speakers' release form, then you'll need to consult with Scott Albright in OGC's intellectual property office because he reviews that sort of thing.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Hamilton, Lindsay <Hamilton.Lindsay@epa.gov>

Sent: Thursday, February 18, 2021 3:05 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Cc: Conger, Nick <Conger.Nick@epa.gov>

Subject: FW: SEJ follow up/ speaker request

Hi Justina,

Nick Conger and I have been invited to speak to the Society of Environmental Journalists.

I wanted to make sure I followed any proper procedure regarding speaking requests and Nancy suggested I email you. This would be a virtual, on the record event.

Let me know if you have any questions.

Thanks,

Lindsay

From: Sadie Babits <(b) (6)>

Sent: Tuesday, February 16, 2021 1:07 PM

To: Hamilton, Lindsay <Hamilton.Lindsay@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>

Subject: SEJ follow up/ speaker request

Hi Lindsay,

As we discussed in our Teams chat Wednesday (Feb. 10), SEJ would like to invite you and Nick to participate in an hour-long online conversation. We'd like you to share with SEJ members your philosophy and plans for improving press relations at EPA. We'd also like to share with you the importance to journalists and the public of reporters having ready, uncensored access to EPA scientists, program managers and other subject matter experts. As for format, we'd suggest one of two options, though we're open to discussing others:

1) A "listening session," in which you'd give some brief opening remarks and then we'd throw it open for attendees to pose questions or make brief comments. Those would be moderated, with an SEJ representative selecting speakers and unmuting them, or having the questions and comments submitted in writing via chat or Q&A windows, then selected and read out by moderators.

2) A "talk show," in which you'd make brief opening remarks, and then field questions. The first 20-25 minutes would be Q&A with either a moderator or panel of SEJ-member questioners. The rest of the hour would be devoted to fielding questions and comments -- again, moderated -- from online attendees. As before, those could either be posed by unmuting the attendee or having the questions or comments submitted in writing in a chat or Q&A window.

In either case, the discussion would be limited to media relations and access issues. Also, it would be "on the record," recorded and posted online afterward.

Recognizing the challenges you mentioned to scheduling this in the next few weeks, we'd like to suggest a date in the 2nd or 3rd week of March. (FWIW, March 14-20 happens to be [Sunshine Week](#), the annual nationwide celebration of the people's right to know what their government is doing and why.)

Please don't hesitate to call or email if you have questions, suggestions or concerns. I look forward to continuing the conversation we started!

Best wishes,

Sadie

--

Sadie Babits
SEJ Board President
Journalist/ Editor/ Professor

(b) (6)

From: [Keith, Jennie](#)
To: [Conger, Nick](#)
Cc: [Fugh, Justina](#)
Subject: Re: Speaking request for review
Date: Tuesday, May 4, 2021 8:50:18 AM

Hi Nick,

Thank you so much for your patience! I'm sorry, I meant to get back to you earlier. There are no ethics concerns with the speaking engagement.

Thanks!
Jennie for OGC/Ethics

On May 4, 2021, at 8:39 AM, Conger, Nick <Conger.Nick@epa.gov> wrote:

Hi- just checking back on this one. Let me know if you have any more thoughts and/or want to discuss.

Nick
Nick Conger
Press Secretary
Environmental Protection Agency
202-941-1116 (mobile)

From: Conger, Nick
Sent: Wednesday, April 28, 2021 8:18 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Keith, Jennie <Keith.Jennie@epa.gov>
Subject: Re: Speaking request for review

Thank you both!

I asked, and they told me:

This is a free event for all attendees. We are in the process of finalizing the invitation for attendees which should be ready in the next few days. We are using personal outreach for speakers.

Nick Conger
EPA Press Secretary
202-941-1116

On Apr 27, 2021, at 11:52 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi Nick,

I take it that they are asking you to speak in your official capacity, but

we really need to know a bit more about the event. I have a sneaking suspicion that will be charging a fee for attendees. Let me consult with Jennie Keith, copied here, and get back to you.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Conger, Nick <Conger.Nick@epa.gov>

Sent: Tuesday, April 27, 2021 5:53 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Speaking request for review

Hi Justina –

Hope you are well! I have been invited to speak (virtually) at an upcoming conference called the Civis Data for Good Summit hosted by [Civis Analytics](#). More information is below from its Director of Marketing and Communications. The event would be closed to the press, but they will be recording the event and posting it online following.

I will not accept any gifts or honorariums to participate.

Can you let me know if you see any ethical concerns or other considerations to be aware of?

Thank you!

Nick

From: Amanda Moss <amos@civisanalytics.com>

Sent: Friday, April 23, 2021 2:48 PM

To: Conger, Nick <Conger.Nick@epa.gov>

Cc: Patrice Brown <pbrown@civisanalytics.com>

Subject: Keynote question

Hey Nick-

As I mentioned, we'd love to have you as our keynote speaker at the upcoming Civis Data for Good Summit on June 3 (ideally around 10 am ET, but we're flexible).

The overall goal of the event is to share learnings and best practices in analytics amongst nonprofits, many of whom are in the climate space (NRDC, Sierra Club, Gates Foundation, etc.). We'll be hosting a series of analytics trainings on June 2, and then we'll have a day of panels and presentations from nonprofits on the 3rd.

Audience would be ~50-75 nonprofit professionals. We're open to length and content of a talk, but some ideas include:

- What climate messaging is most persuasive?
- Lessons learned throughout your career
- Best practices for engaging climate supporters
- ...or we can come up with something else together

Let me know if you need any additional info and my colleague Patrice (copied) who is overseeing the event can weigh in.

Thanks!

Amanda

Amanda Moss

Civis | Analytics

Director, Marketing and Communications

t. 508.320.2642 | AMoss@civisanalytics.com

Nick Conger

Press Secretary

Environmental Protection Agency

202-941-1116 (mobile)

[Newsroom](#)

From: [Conger, Nick](#)
To: [Clarke, Victoria](#)
Subject: RE: Your New Entrant Report in INTEGRITY
Date: Thursday, February 11, 2021 6:20:26 PM

Thank you for the help. I just submitted my report in INTEGRITY. Let me know if you see any issues.

Nick Conger

Press Secretary

Environmental Protection Agency

202-941-1116 (mobile)

From: Clarke, Victoria <clarke.victoria@epa.gov>

Sent: Thursday, February 11, 2021 10:13 AM

To: Conger, Nick <Conger.Nick@epa.gov>

Subject: RE: Your New Entrant Report in INTEGRITY

You should go to the following link: <https://www.integrity.gov/efeds-login/>

Your account in INTEGRITY should all be set up using your EPA email address. I believe Justina should have sent you an email with specific instructions shortly before or around the time that you joined?

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

From: Conger, Nick <Conger.Nick@epa.gov>

Sent: Thursday, February 11, 2021 10:12 AM

To: Clarke, Victoria <clarke.victoria@epa.gov>

Subject: RE: Your New Entrant Report in INTEGRITY

Ahh no. But I will do that. Sorry...and I'm sure I have a link to that somewhere but if you can direct me, that would be helpful too!

Nick Conger

Press Secretary

Environmental Protection Agency

202-941-1116 (mobile)

From: Clarke, Victoria <clarke.victoria@epa.gov>

Sent: Thursday, February 11, 2021 10:08 AM

To: Conger, Nick <Conger.Nick@epa.gov>

Subject: RE: Your New Entrant Report in INTEGRITY

Hi Nick – is this something that you submitted in INTEGRITY, too?

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

From: Conger, Nick <Conger.Nick@epa.gov>

Sent: Thursday, February 11, 2021 9:32 AM

To: Clarke, Victoria <clarke.victoria@epa.gov>

Subject: RE: Your New Entrant Report in INTEGRITY

Hi Victoria – thanks for checking in. Here is my completed 278 report. Let me know if you think it needs any revisions or see any concerns? Happy to discuss and thank you for the help!

Nick Conger

Press Secretary

Environmental Protection Agency

202-941-1116 (mobile)

From: Clarke, Victoria <clarke.victoria@epa.gov>

Sent: Wednesday, February 10, 2021 4:09 PM

To: Conger, Nick <Conger.Nick@epa.gov>

Subject: Your New Entrant Report in INTEGRITY

Hi Nick,

This is Victoria from OGC Ethics. I wanted to quickly remind you that the due date for your New Entrant report is March 2. If you need any help with the New Entrant Report, please let me know – I'm your point of contact in OGC Ethics for any questions that you might have with respect to it.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101